

SECTION-XV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3118 OF 2011

WITH

INTERLOCUTORY APPLICATION NO. 2 & 3

(Applications for substitution of the deceased sole respondent and
Condonation of delay in filing substitution application)

M/S NESTLE INDIA LIMITED

...APPELLANT

VERSUS

DILOUR BHARTI (Dead) through L.Rs

...RESPONDENT

OFFICE REPORT

The appeal above-mentioned was listed before the Hon'ble Court on 01.09.2015 when the Court was pleased to pass the following Order:

"In course of hearing, we have been apprised that the respondent-workman is dead.

It is submitted by Mr. Vikas Mahajan, learned counsel appearing for the respondent that when the labour Court had directed for fresh inquiry by itself, regard being had to the fact that the domestic inquiry was invalid and the said order of labour Court has received affirmance from the High Court, the order of dismissal, as a fall out, cannot exist.

It is urged by him that the inquiry eventually leads to the order of punishment and if the inquiry is set aside, the fundamental infrastructure becomes extinct and, thereby, the super structure is bound to collapse. On this foundation, Mr. Vikas Mahajan, has contended that the legal heirs could be entitled to the amount due from the employer. He prays for two weeks' time to bring the legal heirs on record.

Let the matter be listed after four weeks."

It is submitted that Ms. Anuradha Mutatkar, Counsel for the respondent has filed an application for substitution to bring on record the L.Rs of deceased sole respondent alongwith Annexure- A (Death Certificate) and Vakalatnama/Memo of Appearance which is barred by time by **141 days** and she has filed an application for Condonation of delay in filing substitution application. The same has been registered as I.A. Nos. 2 and 3. (Copies of the same are circulated to the Hon'ble Court with Appeal paper books).

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Service is complete.

It is further submitted that statement of case has not been filed by Counsel for the parties so far.

The matter above-mentioned is listed before the Hon'ble Court with this Office Report.

Dated this the 1st day of October, 2015.

ASSISTANT REGISTRAR

Copy to: 1. Ms. Meera Mathur, Adv.
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2. Ms. Anuradha Mutatkar, Adv.
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ASSISTANT REGISTRAR