

CNR NO : MHIC 36-000001-2018

Vishnudayal Rane ... Vs ... Regional Manager and another

ORDER BELOW EXHIBIT NO. C-7

10-10-2019

By this application the respondents have prayed to decide their preliminary objection first without touching to the merit of the case. According to the respondents, by way of amendment they have raised preliminary objection that the respondents Corporation is governed and control by the Central Government and as such this Court has no jurisdiction to try and entertain the complaint. The application is objected by the complainant. According to the complainant, the issue of jurisdiction can be decided with the main complaint. Heard both the sides. I have gone through the record. The respondents have filed the present application after carrying out the amendment to their written statement. In fact, in order to decide the present application, some dates are necessary to be considered. After receipt of summons, the respondents have filed written statement on 15-03-2018. Thereafter issue came to be framed on 29-06-2018 and matter proceeded for filing of examination-in-chief by the complainant. Record further shows that on 28-09-2018 the examination-in-chief of the complainant was recorded and as the respondents were absent, the matter was adjourned for cross examination. Thereafter, the respondents have filed amendment application raising ground of jurisdiction on 02-02-2019 and they were allowed to carry out the amendment. After the amendment, they have filed the

instant application. As per Or. 14 Rule 1 of Civil Pro. Code, the preliminary issue can be framed to avoid the delay in deciding the proceedings if Court find that case can be disposed off on preliminary issue. The Court has another option under Or. 14 Rule 2 of the Civil Pro. Code, if the preliminary issue is not framed then Court can decide the same on the merit of the case. But these provisions are available before framing of the issue. In the instant case, the issues are framed long back. Thereafter, the evidence of the complainant is partly recorded and therefore, the application itself is not maintainable at this stage. Hence following order.

ORDER

Application is hereby rejected.

Place : Bhandara.
Dated : 10th October, 2019.

(A.C. Raut)
Member,
Industrial Court, Bhandara.