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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision: 05th May, 2025**

+ **CM(M) 926/2018 & CM APPL. 32691/2018**

M/S VARUN HOSIERY @ LE CHIC

.....Petitioner

Through: Mr. Ankur Bhasin with Ms. Bharti Ghosh, Advocates.

versus

MANIK CHAND

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Respondent-Mr. Manik Chand has filed claim against Management for illegal termination of his services.
2. The Management (petitioner herein) submitted its written statement, *inter alia*, claiming therein that the abovesaid Mr. Manik Chand was never their workman and was never employed by the answering Management and, therefore, there was no question of his illegal termination.
3. According to them, Mr. Manik Chand was a freelance Rickshaw Puller, who simply used to pick material from the premises of the Management for delivery, as and when, so required.
4. After the workman concluded his evidence, an application under Order VI Rule 17 CPC was filed by the Management praying therein to amend its written statement. It wanted to place on record additional averment to the



effect that such alleged workman had withdrawn the complaint in question and had sent a communication in this regard to the concerned Commissioner on 03.08.2015.

5. It is submitted that he mentioned therein that he had made the earlier complaint on the basis of asking in this regard by someone else and that he was, no longer, interested in pursuing his such complaint. He also claimed therein that he was merely a Rickshaw Puller and had no complaint against anyone.

6. Learned Labour Court was of the view that since the Management had already, categorically, claimed that respondent herein was neither their employee nor a workman, even if, such document was allowed to be placed on record, it would not serve any real purpose as it would not change the defence taken by the Management.

7. Resultantly, the abovesaid application was dismissed.

8. Such order is under challenge.

9. This Court has gone through the averments made in the claim petition as well as the written statement.

10. It needs to be highlighted, right here, that in the claim petition, the claimant also seems to have averred that his signatures were obtained on some blank paper for which, he had even sent a complaint to SHO, Model Town, on 17.08.2015.

11. Be that as it may, in view of the specific stand taken by the Management in their written statement, there is, actually speaking, no requirement of amending the written statement.

12. Moreover, the application moved by the Management seems to be a sketchy one as it did not even try to properly highlight as to how and when,



they learnt about the abovesaid communication.

13. Keeping in mind the overall facts of the case, this Court does not find any illegality or perversity in the impugned order which may require interference by invoking supervisory powers under Article 227 of Constitution of India.

14. However, it has now been informed that since the Management was already contemplating challenging the abovesaid order whereby their application under Order VI Rule 17 CPC had been dismissed, they made a request before the learned Labour Court to defer the hearing and to give them another date for leading their evidence but the learned Labour Court declined such request and their opportunity to lead evidence has also been closed and the matter had been fixed for final arguments.

15. During course of the arguments, copy of order dated 09.08.2018 passed by the learned Labour Court has been shown.

16. A print out of the abovesaid order has been directed to be taken on record.

17. Keeping in mind the overall facts of the case and the fact that the Management was, in sincere earnest, exploring its available judicial remedies, its right to lead evidence should not have been closed and, therefore, to that extent, relief is granted to Management and it is permitted to lead its evidence before the learned Labour Court. Such Claim Petition in question had been adjourned *sine die* by the concerned Labour Court and learned Presiding Officer, Labour Court is requested to get the file retrieved from Record Room.

18. In view of the abovesaid observation, learned Labour Court shall give one opportunity to Management to lead its evidence and after the witness(s)



of the Management are examined/cross-examined, after hearing arguments from both the sides, the abovesaid petition shall be disposed of, in accordance with law, as expeditiously as possible.

19. It is, however, clarified that the observations made in the present order are purely for the purposes of disposing of petition in question and would not be taken as expression on the merits of the case.

20. Petition stands disposed of in aforesaid terms.

21. Pending applications, if any, stand disposed of in aforesaid terms.

22. The next date of 23.07.2025 stands cancelled.

(MANOJ JAIN)
JUDGE

MAY 5, 2025/sw/SS