

ITEM NO.80 Court 3 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 8060/2020

(Arising out of impugned final judgment and order dated 29-04-2019 in WP No. 5049/2019 passed by the High Court Of Judicature At Bombay At Aurangabad)

SHAMKUMAR MANOHAR KADAM & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.129663/2021-CONDONATION OF DELAY IN FILING and IA No.129664/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.129665/2021-APPLICATION FOR SUBSTITUTION and IA No.129666/2021-EXEMPTION FROM FILING O.T.)

Date : 25-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr. Amol Nirmalkumar Suryawanshi, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The grievance of the petitioners is that the High Court has not dealt with the basic issue raised by the petitioners that it was not open to pass successive awards. This contention has been specifically taken by the petitioners in the writ petition filed before the High Court.

It is also urged that in another case the High Court had set aside such award passed in similar circumstances.

In that case, it is appropriate that the petitioners ought to approach the High Court by way of review petition. We permit the petitioners to take recourse to remedy of review which need to be considered by the High Court on its own merits and in accordance with law.

The High Court shall deal with the review petition without non-suiting the petitioners on the ground of limitation, considering the fact that the petitioners had approached this Court against the impugned judgment by way of special leave petition.

We are informed that one of the petitioners has expired during the pendency of this special leave petition. It will be open to the legal representatives of the deceased petitioner to pursue appropriate remedy before the High Court.

As aforesaid, all contentions available to the petitioners are left open.

If the review petition is decided against the petitioners, it will be open to the petitioners to challenge the said decision as well as the impugned judgment by way of fresh Special Leave petition before

this Court.

This special leave petition is disposed of in the above terms.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)