

(1993) 08 DEL CK 0019
In the Delhi High Court
Case No : Suit No. 221 of 1991

Ranutrol Limited

APPELLANT

Vs

All India Engineering and General Mazdoor Union and Others

RESPONDENT

Date of Decision : 10-08-1993

Acts Referred:

Citation : (1993) 3 AD 528 : (1994) 53 DLT 138 : (1995) 1 LLJ 408

Hon'ble Judges : Sat Pal, J

Bench : Single Bench

Advocate : P.J. Mehta, for the Appellant;

Judgement

Sat Pal, J.

(1) In the present suit the plaintiff has prayed for a decree of permanent injunction in favor of the plaintiff and against the defendants, their officers, members, agents and any other persons acting on their behalf restraining them from holding any demonstration within the radius of 300 meters from the main entrance of the factory gate at F-85, Okhla Indl. Area, Phase-1, New Delhi as well as at the residence of the Managing Director and residences of the Executive Directors and further restraining them from interfering in the ingress and egress its officers, employees, customers, guests and raw material to and from the factory.

(2) Briefly stated the facts of the case are that the plaintiff is a Company incorporated under the Companies Act and is engaged in the business of manufacture and sale of thermostats relays and bathroom fittings and appliances at its factory situated at F-85, Okhla Indl. Area, Phase-1, New Delhi. Shri S.K. Dhingra who has signed and verified the plaint is the Assistant Manager (Personnel) and is competent officer to institute the present suit.

(3) Defendant No.1 is a Union and defendants 2 to 4 are the office bearers of this Union. As per averments made in the plaint, defendants 2 to 4 and certain other workmen at their instigation have been holding violent demonstration at the

factory gate of the plaintiff-company since 20th September, 1990 and had been threatening the employees of the plaintiff company who were not willing to attend the demonstration. It is further alleged in the plaint that the said defendants aided and abetted by the outsiders continued to hold demonstration and they abused the officers as well as loyal and willing employees of the plaintiff company. It is further alleged that on 31st December, 1990, defendant No.2 came to the factory and addressed a meeting of the workers and outsiders and made inflammatory speeches exhorting the workmen to resort to violence and beat up the officers and employees who were not joining the agitation. It is also alleged that number of officers and other persons of the management have been physically man-handled. It is further alleged that the plaintiff received a letter dated 10th January, 1991 from the defendant No.2 threatening to hold demonstration at the residence of the Managing Director of the Company situated at A-58, Vasant Vihar, New Delhi on 20th January, 1991 and every Sunday thereafter. It is further alleged that defendants had also threatened that after 20th January, 1991, they will not permit any entry and will stop all employees including officers from entering the premises and shall resort to Gherao and if any attempt was made to enter the premises they would be beaten up. Hence, the present suit has been filed by the plaintiff for a decree of permanent injunction as stated hereinabove.

(4) At the initial stage the defendants appeared through their Counsel. However, despite various opportunities granted to them neither written statement has been filed on behalf of the defendants nor reply to the application for stay has been filed. Since the defendants nor their Counsel appeared on 26.11.91, they were proceeded against ex-parte. On the same date the plaintiff Company was directed to file affidavits by way of ex-parte evidence.

(5) The plaintiff has filed the affidavit of Shri V.K.Chopra, Works Manager of the plaintiff Company to prove the averments made in the plaint. By this affidavit it has been proved that the plaint has been signed by Mr. S.K. Dhingra, Asstt. Manager (Personnel) who is empowered and competent to file this suit. It has further been proved that defendant No. 1 is a Union of which defendants 2 to 4 are the office bearers. It has further been stated in this affidavit that the said defendants aided and abetted by outsiders instigated the workmen employed in the plaintiff factory and started holding violent demonstration at the factory gate on 20th December, 1990. It has also been stated in this affidavit that the defendant No.2 on 31.12.90 visited the factory premises of the Company and addressed a meeting of certain workers and outsiders and made inflammatory speech exhorting the workmen to revolt to violence and beat up the officers and the employees who were not willing to join the agitation. It has further been stated in this affidavit that the plaintiff-Company received a letter from defendant No. 2 dated 10th January, 1991 threatening to hold demonstration at the residence of the Managing Director on 20.1.1991 and on every Sunday thereafter. As stated earlier, the defendants have neither filed the written statement nor reply to the application for stay and they were proceeded against

ex-parte. The plaintiff Company, however, has proved all the averments made in the plaint by evidence of Shri V.K. Chopra. Hence the plaintiff is entitled to succeed in the suit except that the complete relief as claimed cannot be granted as explained herein below.

(6) In the plaint the plaintiff has prayed for restraining the defendants I to 4 and their officer, members, agents et cetera from holding any demonstration within the radius of 300 meters from the main entrance of the factory gate and from the residence of the Managing Director and Executive Directors. However, no evidence has been led regarding restraining the said defendants in respect of the residence of the Executive Directors. Further they have failed to give any satisfactory evidence regarding the radius of 300 meters from the main entrance of the factory gate and from the residence of the Managing Director. Even at the initial stage when the ex-part stay was granted in favor of the plaintiff, this Court granted stay regarding holding of any demonstration within the distance of 100 meters from the main entrance of the factory gate as well as from the residence of the Managing Director of the plaintiff-Company at A-58, Vasant Vihar, New Delhi.

(7) In view of the above discussion, the suit of the plaintiff is decreed to the extent that the defendants I to 4, their officers, members, agents or any other persons acting for them are restrained from holding any demonstration within the radius of 100 meters from the main entrance of the factory gate at F-85, Okhla Indl. Area, Phase-1, New Delhi as well as from the residence of the Managing Director of the plaintiff-Company situated at A-58, Vasant Vihar, New Delhi and they are further restrained from interfering in any manner whatsoever in the ingress and egress of the officers, employees, customers, guests to and from the factory. The parties are, however, left to bear their own costs. Decree may be drawn accordingly.