

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

+ LPA 189/2006  
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Date : 31<sup>st</sup> October, 2008

RAJENDER DASS ..... Appellant  
Through Mr. H.K. Chaturvedi, Advocate  
versus

MANGT. OF POONAM TENT HOUSE ..... Respondent  
Through None.

**CORAM:**  
**HON'BLE MR. JUSTICE MUKUL MUDGAL**  
**HON'BLE MR. JUSTICE MANMOHAN**

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

### **J U D G M E N T**

**MUKUL MUDGAL, J: (Oral)**

1. This appeal challenges the order dated 25<sup>th</sup> October, 2005 in W.P. (C) No. 20414/2005 of learned Single Judge. The writ petition challenged the Award dated 8<sup>th</sup> July, 2005 by which the Labour Court held that the Appellant/Workman had failed to establish the relationship of employee and employer with the Respondent. By the impugned judgment Learned Single Judge has held as under :-

*“.....only document exhibited on record was a dishonoured cheque, another is the copy of the demand notice, its postal receipt, registered envelope and D.D. card...”*

2. The learned Single Judge while dismissing the writ petition has held that the cheque was not even in the name of the Petitioner and it was not disputed before us that the cheque was a self cheque and not made out to the Appellant/Workman. The main thrust of the Appellant's case is that the Appellant having entered the witness box and the Respondent having not appeared, the Appellant was entitled to the relief claimed for.

3. In our view, this submission of the Appellant has rightly been rejected by learned Single Judge by observing that the Petitioner has to prove its case before the Respondent is called upon to answer the claim set up by the Appellant. Learned Counsel for the Appellant is unable to show as to why the aforesaid reasoned order is untenable in law.

4. Accordingly, we find no merit in the appeal and as such the appeal is dismissed.

**MUKUL MUDGAL,J**

**MANMOHAN, J**

**OCTOBER 31, 2008**

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