

Order Below Exh. 1

W.C. (NF) Appl. No. 04 / 2007

On perusal of record and proceeding in the matter on hand it transpires that the present application has been filed by the applicant for compensation of Rs. 2,00,000/- and maximum penalty and interest on 24.01.2007 through Id. Counsel Mr. V.G. Sanghvi. The notice issued pursuant filing of the application vide exh. 5 got duly served to the opponent but the opponent failed to appear and consequently right to submit written statement came to be closed and issues were framed vide exh. 6 on 01.08.2007 and affidavit of oral evidence came to be filed on 12.11.2008. Thereafter the opponent no.1 appeared through Id Counsel Mr. D.S. Bhayani vide exh. 11 and moved application vide exh. 12 to join the New India Assurance Co. Ltd. as opponent no.2 alongwith documentary evidence vide exh. 13 and accordingly the Insurance Company has been joined as opponent no.2. The applicant submitted disability certificate at mark 14/1 and other documentary evidence vide exh. 16. The opponent no.2, Insurance Company appeared through Id Counsel Mr. K.M. Gandhi and submitted written statement vide exh. 19 on 30.09.2015. Thereafter the matter has remained pending for the cross-examination of the applicant and application vide exh. 23 to 26 for allowed subject to keep the applicant present for cross-examination, as a last date but so far not afforded for cross-examination. Despite the applicant or his counsel nor remained present on 23.03.2022, further last date was granted in the interest of justice but today also neither the applicant nor his counsel appeared.

The applicant failed to appear and proceed with the matter evenif sufficient opportunities have been afforded and time and again intimated but has not taken care of and nor proceeded with the matter. Therefore it does not seem expedient

to grant further time as it would not serve any purpose because the applicant appears to have lost interest in the matter and therefore in the circumstances in the matter on hand the present application for compensation is required to be dismissed for want of prosecution. Therefore, for the reasons assigned hereinabove order in the interest of justice is hereunder passed;

ORDER

The present application is hereby dismissed for want of prosecution.

Date:-30.04.2022
Bhavnagar

(L.M. Rathod)
W.C.Commissioner,Labour Court No.1
(Code No. GJ00844)