

BEFORE THE JUDGE, INDUSTRIAL COURT NO.1,
MAHARASHTRA AT KOLHAPUR.

Exh. O-

Appl.(ESI)No. 03/2021
(CNR No. MHIC09-000389-2021)

Shree Hanuman Services

.. Applicant.

Vs.

The Regional Director,
Employees State Insurance Corporation & Ors.

.. Opponents.

: ORDER BELOW EXH. 33 :

(Dated :- 16.11.2021)

1. The Opponent has filed present application for amendment of its' written statement under O.VI, Rule 17 of the Code of Civil Procedure, 1908. It is submitted that the written statement Exh.22, say to the interim application at Exh.23 and say to the waiver application at Exh.24 came to be filed. In the said submissions, short contribution paid by the applicant for the period of February 2017 to July 2018 is not mentioned inadvertently. Thus, it is urged that period February 2017 to July 2018 be allowed to be added after December 2016 in say and written statement respectively. It is submitted that in the case if the application is allowed no prejudice shall be caused to the applicant. The same shall project correct facts before this Court.

2. The application is contested by the applicant by giving say to its' counsel on the application itself. It is submitted that reasons mentioned in the application are improper and incorrect. The opponents are trying to correct their error. Hence, the same be rejected.

3. The Ld. Counsel for litigating parties have canvassed their oral arguments in support of their respective contentions. Heard the Ld. Counsels at length and perused the papers. It is settled proposition that amendment in the written statement is liable to be liberally considered. The matter is at the stage of argument for interim relief. Therefore, no prejudice shall be caused to the applicant in case the said amendment is allowed. In the facts and circumstances, the following order is passed :

: ORDER :

- 1) The application is allowed.
- 2) The opponents are directed to carry out the amendment in the say and written statement and furnish amended copies of the say and written statement within 14 days from today.

Kolhapur.

Date : 16.11.2022.

(S. S. Khandekar)
Judge,
Industrial Court No.1, Kolhapur.