

IN THE EMPLOYEES' INSURANCE COURT
AND INDUSTRIAL COURT AT AURANGABAD
(Presided over by S. S. Maudekar, Member)

APPLICATION (ESI) No. 2 OF 2014.

MHIC-2000138-2014

Hotel Raviraj
Rajendrasingh Tarlochansingh Dhingra

..Applicant

Vs.

[1] Joint Director,
Employees State Insurance Corporation,
Aurangabad

[2] Recovery Officer,
Employees State Insurance Corporation,
Aurangabad

.. Respondents.

Appearance :

Mr. A. A. Kaware, the Ld. Advocate for the Applicant.
Mr.R.G.Jadhav, the Ld.Advocate for the respondents.

ORDER BELOW EXH.77

(Delivered on this 04th April, 2025)

This is an application for setting aside no cross order.

2] According to the respondents, the Court has passed order to proceed without cross on 28-11-2024. It is submitted that the applicant had approached the respondents for settlement, but he was not ready to deposit the due amount. However, as per the

instructions of the learned Advocate, the respondents are ready to cross-examine the applicant and is ready to proceed with the matter. Hence, it is prayed to grant opportunity to the respondents.

3] The say of the applicant is on rear side of the application. It is claimed that already the Court had granted fair and proper opportunity, but the respondents failed to cross-examine the applicant. Hence, the said order was passed. Accordingly it is prayed to reject the application.

4] Perused the record. Heard the learned counsel for the parties. As per the issues, burden is cast on the applicant to prove that the respondents have no right to recover the amount sought to be recoverable. As per order below Exh.2, application for releasing Bank Account was rejected. Thereafter, the applicant deposed at Exh.64 and on 28-11-2024 due to absence of the respondents, no cross order was passed. It seems that the present application was filed on 24-03-2025. It is found that as per the discussion between the parties, some verification was to be made by the respondents. Hence, the evidence could not be recorded. But on 28-11-2024 there was no presence on the part of the respondents. Hence, the said order was passed. But it seems that the settlement talks have not succeeded. So, the parties have decided to go into the merits. As such, the case of the applicant will have to be confronted by the respondents. Hence, to avoid valuable right of the respondents being defeated, the cross examination of the applicant

will have to be conducted by it. As such, the application is liable to be allowed. Accordingly, I pass the following order :

ORDER

(1)	Application is allowed.
(2)	The respondents shall cross-examine the applicant on the next date positively.
(3)	Costs in cause.

sd/-

[S.S. MAUDEKAR]

Presiding Officer under the

ESI Act / Member,

Industrial Court, Aurangabad.

Date : 04-04-2025

Place:Aurangabad