

..1..

BEFORE F.M.PATHAN, CONTROLLING AUTHORITY
UNDER THE PAYMENT OF GRATUITY ACT & JUDGE,
SECOND LABOUR COURT, THANE.

APPLICATION (PGA) NO. 31 OF 2019

Mr. Devram Bhua Sutar

... Applicant

Versus

The Sub Regional Manager, and Ors.2

...Opponents

ORDER BELOW EXH. C-12

(Passed on : 18/08/2025)

Here in this application, opponents prayed to set aside 'Evidence closure' order passed against them.

- 2) Applicant by filing reply resisted the same.
- 3) Heard both the parties and perused the record.
- 4) From record, it appears that opponents appeared but failed to file their written statement. Therefore vide order dtd. 01/04/2024 passed below Exh U-1, the ld. Predecessor of this court passed 'No written statement' order against them. Then matter proceeded. Since opponents failed to adduce evidence vide order dtd. 13/01/2025 passed below Exh U-1 their evidence also came to be closed and matter came to the stage of final arguments. At this juncture opponents filed present application seeking permission to file written statement. Absolutely no reason is cited for previous default. Therefore, opponents are at all not justified in filing this application. Be that as it may. It is always in the interest of justice to decide the controversy on the merit instead of technicalities.

.. 2 ..

Therefore this court is of the view that an opportunity is required to be given to the opponents to contest the matter by adducing evidence. Since the no written statement order passed against respondent is set-aside and on the same analogy the order closing their evidence is also required to be set-aside. Accordingly following order is passed;

:- O r d e r :-

1. Application at Exh.C-12 is hereby allowed.
2. No order as to cost.

Sd/-

(F. M. Pathan)

Controlling Authority under the
Payment of Gratuity Act & Judge,
Second Labour Court, Thane.

Place : Thane.
Date : 18/08/2025
VVM/-
