

**BEFORE SHRI. ABHIJIT R. SOLAPURE,  
I/C COMMISSIONER FOR WORKMEN'S COMPENSATION  
AND JUDGE LABOUR COURT AT MAHAD**

**App.(ECA) No. 81/C-07/2019**

**ORDER BELOW Exh. U-1**

(Dt.22.02.2024)

Present application is filed by opponent no. 2 for setting aside no written statement order. It is stated that this opponent could not file written statement due to certain circumstances beyond its control it should be allowed to file written statement and defend the matter. Hence this application.

2. Applicant filed reply and objected the application it is stated that the opponent failed to file written statement for five years and now can not be allowed.

3. Heard, both the learned advocates.

4. The application is filed for grant of compensation due to injury and disability suffered during the course of the employment. Notices were issued to the parties. Record goes to show that opponent no. 2 Insurance company was served and appeared in this matter on 08.11.2019. But thereafter the company failed to file written statement and order dated 09.12.2021 came to be passed. A convenient reason of unavoidable circumstances has been given in a very vague manner. The reason does not give any particulars as to what were the so called unavoidable circumstances.

5. More than four years have completed and now the insurance company came before this Court with this vague application. The conduct of the opponent no. 2 shows that the company has no seriousness for the matters

before the Court. However the applicant is yet to take proper steps against opponent no. 1 and the matter is yet at preliminary stage. The opponent no. 2 has to be given an opportunity, which will come at costs. Hence the order follows.

**ORDER**

1. Application is allowed on costs of Rs. 2500/-. Opponent no. 2 shall deposit this amount of costs in the Court on or before next date. Failing which the application stands rejected.
2. On deposit of costs, the written statement with this application be taken on record.

Mahad

Date : 22/02/2024

( Abhijit R. Solapure )  
I/C Judge  
Labour Court, Mahad