

APPLICATION (E.C.) NO. 9/2021

: ORDER BELOW EXH. C-5 :

(Delivered on this 11th day of July, 2022)

1. Perused application and say. Heard both sides.
2. Opponent has filed present application for setting aside 'no w.s.' order passed against him. Applicant objected this application by raising strong objection. Heard Ld. Advocates for both sides. Perused record.
3. From perusal of record it is clear that, notice of present matter was duly served upon opponent on 30/09/2021. Thereafter opponent had appeared before this court on 27/11/2021 and since then sought adjournments to file his written statement. Adjournment application filed on behalf of opponent dt. 21/03/2022 was granted as last chance. Even then on next date i.e. on 18/04/2022 opponent failed to file his written statement, therefore, 'no w.s.' order came to be passed against him.
4. According to opponent, due to non availability necessary documents and information, he has failed to file his written statement within limitation. Therefore, opponent has prayed for setting aside said order.
5. Applicant has objected the prayer of opponent and has contended that opponent deliberately has taken disadvantage of sufficient opportunity given to it.
6. In order to decide the dispute between the parties on merit and that too once and for all, it will be just and proper to award opportunity to opponent to contest the matter.

7. No prejudice is going to be caused to applicant, if permission to file written statement is granted to opponent. Therefore, considering the delay caused, the cause for delay shown and in the interest of justice, following order is passed :-

: ORDER :

- i) Application Exh. C-5 is allowed.
- ii) 'No W.S.' order passed against opponent is set aside with no order as to cost.

Date :- 11.07.2022

Kolhapur

(A. G. Behere)
Commissioner for E. C. & Judge,
Labour Court No. II, Kolhapur