

-: ORDER BELOW EXH.C-10 IN ECA 09/C-4/2021 :-
(Dated:- 11/07/2024)

1. Opponent has filed present application for setting aside 'No evidence' order passed against him on 11/09/2023. It is stated that Opponent is a private firm. Opponent could not get relevant document within prescribed period. Therefore, it remain to file on record. It is not an intentional act on the part of opponent. Applicant filed reply overleaf. It is stated that application is not maintainable if this Court come to conclusion that some cost may be imposed. Opponent sought several adjournment to lead evidence. This is an intentional act on the part of Opponent to delay the hearing of application.

2. Before assessing reasons assigned by Opponent, I would like to refer the record of the proceeding. Applicant closed evidence on 18/07/2023. After that Opponent sought three adjournments to lead evidence. After waiting 3 or 4 dates, this Court on 11/09/2023 passed further order against Opponent. Allowing this application affidavit of concerned person is filed. It is also submitted that witness will remain present for cross-examination in future without fail. This is an application for compensation against the opponent under the Workmens' Compensation Act. The defence whatever it may be of the opponent be come on record to decide real controversy and mater on merit. Therefore, in the interest of justice it is necessary to allow Opponent to lead evidence with cost. For causing delay, some cost on opponent may be imposed. As applicant herself with her minor and in-laws waiting for compensation of her husband's death. Considering the nature of application it is necessary to impose cost and allow to lead

evidence. Hence, following order is passed.

ORDER

1. Application is allowed subject to cost of Rs. 500/-.
2. 'No evidence' order passed against the Opponent is set aside.
3. Cost be paid to the applicant.

Date : 11/07/2024
Kolhapur.

(K. B. Kamgauda)
Controlling Authority Under
Payment of Gratuity Act & Judge,
Second Labour Court, Kolhapur.