

ORDER BELOW EXH. U-9
(Dtd. 21/11/2025)

- 1] This application is filed by the applicant for amendment of pleadings and deletion of certain portion out of para No. 11 as set out in the application.
- 2] The respondent No. 1 has filed reply at Exh. C-15. The respondent Nos. 3 and 4 filed reply at Exh. C-18.
- 3] I have heard learned advocate for applicant and respondent.
- 4] I have gone through the main application, reply of respondent and documents filed on record.
- 5] The applicant has filed claim of compensation against respondent under Workmen's Compensation Act, 1923 and claimed that the respondent Nos. 1 and 2 have filed their reply and made statement that the deceased Sonyabapu Goltakke was workman of respondent No. 2 and stated about construction was in respect of Yes Institute of Pharmacy and accordingly filed agreement of partner Ashish Vijay Kaware and the contractor. In view of statement of applicant the respondent has produced agreement on record and thereafter the said persons have been allowed to make party to the application. The respondents have made contradictory statement against each and claimed for dismissal of application. Therefore,

applicant has claimed for correction of statement in para No. 11 as set out in para No. 4 and certain portion sought to be deleted from the application. The applicant has also claimed amendment additional statement referred in para No. 5 and claimed that the amendment is just and necessary for decision of application.

6] The respondent No. 1 has relied upon the written statement and made statement that application under reply is vague and the accident took place during the course of employment of respondent No. 1 is baseless. The respondent has claimed that the name of applicant No. 1 be deleted and he has no objection. The proposed amendment is changing the nature of dispute and therefore, deserves to be rejected.

7] The respondent No. 4 denied amendment and claimed that amendment is not legal and factual. Therefore, liable to be rejected. The respondents have claimed that they have been wrongly impleaded in the application and illegal claim is sought against them. The respondent No. 1 and 2 has made different defence for claiming compensation by illegal means and therefore, application is liable to be rejected with cost.

8] In view of the statement of the applicant and respondent and considering the main application filed by the applicant for claiming compensation it appears that the applicant has claimed amendment on the basis of statement of respondent Nos. 1 and 2 in the written statement and on filing of the agreement on record and

the amendment to the extent of pleadings by claiming that the respondent Nos. 3 and 4 are contractors by their business and jointly and severally liable therefore, executed agreement on 22/02/2020 against respondent No. 1 and accordingly started construction of pharmacy institute. The husband of applicant No. 1 and father of applicant Nos. 2 and 3 was working for respondent Nos. 1 to 4 and died during the course of employment on 30/06/2020 and therefore, claimed impleading the statement against them and substitution of statement in para No. 11 and in para No. 13 as set out in para Nos. 4 and 5 of the application it appears that the applicant has claimed compensation on the basis of salary and shown compensation of Rs. 25,00,000/- through amendment and therefore, the amendment is sought for decision of the application.

9] In view of statement of applicant and filing of written statement and the agreement executed in between respondents on 22/02/2020 the applicant has arise cause of action for claiming amendment and therefore, amendment to the extent of pleadings sought by the applicant after filing of application and occurred during the pendency of the application needs to be taken on record. The relevancy and admissibility of agreement and the amendment is matter of consideration on proof of contents of agreement and therefore, the amendment sought by the applicant as regards the agreement and the claim of compensation by virtue of amendment does not cause prejudice to the respondent. The objection of respondent by challenging the statement of amendment and the relief claimed by virtue of amendment is matter of consideration and

respondents are having right to make their defence as against the amendment sought by the applicant. The amendment occurred during the pendency of the application is required to be brought on record for effective and complete adjudication of claim of compensation and no prejudice would be caused to the respondents since faith of amendment is matter of trial and respondents are having right to make their defence on the basis of amendment for adjudication of claim on merit. Since the amendment is relates to the employment and claim of compensation occurred during the course of pendency of application. Therefore, required to be brought on record for the just decision of the case. Hence, the application deserves to be allowed by imposing cost. Consequently, I proceed to pass following order;

ORDER

1. Application is allowed subject to payment of cost of Rs. 500/- to each respondent.
2. The applicant shall pay the cost to the respondent or deposit in Court and on payment of cost shall carry out amendment and submit amended copy of application.
3. Application is disposed of accordingly.

(D. S. Khedekar)

Place: Aurangabad
Date : 21/11/2025

Commissioner for ECA & Judge,
Labour Court-1, Aurangabad.