

**ORDER BELOW EXH. C-17**  
**(Dtd. 23/12/2025)**

1] This application filed by the respondent for setting aside no evidence order passed on 15/09/2025. The respondent did not file reply to the application, therefore, the application was proceeded without reply.

2] I have heard learned Advocate for respondent. The complainant failed to advance argument. Therefore, the application was kept for order without argument of complainant.

3] I have perused the record and proceeding and order passed on the record it shows that no evidence order passed against respondent on 15/09/2025 and case was posted for argument. Thereafter, the respondent failed to advance argument and case was posted for Judgment on merit by order dtd. 13/11/2025. The respondent is claiming for reopening of evidence on the ground that the respondent took time to search record as the matter is old and respondent want to lead evidence of the witness and claimed that no prejudice would be caused to the complainant if application is allowed.

4] In view of statement of respondent and considering the pendency of case and time availed the process of recording the evidence is matter of procedure, however, due to the inaction of

respondent the case is remained idle and when the evidence of respondent is closed at the time of Judgment this application is filed, therefore, delay is caused in decision of the complaint.

5] The complainant did not reply therefore, the views of the complainant could not be came on record to ascertain objection on the leading evidence and the need of respondent to adduce evidence. However, considering the procedure part I am of the view that no prejudice would be caused to the complainant if no evidence order is set aside for the just decision of the complaint. The complainant would be having opportunity to cross-examine witness and bring correct fact before the Court.

6] In view of nature of proceeding and the contentions of the respondent setting aside no evidence order against the respondent is just and necessary for decision of the complaint on merit subject to imposing cost of Rs. 1,000/- to be paid to the complainant. For the aforesaid reasons I proceed to pass following order;

### **ORDER**

1] No evidence order passed against respondent on 15/09/2025 is set aside subject to cost of Rs. 1,000/- be paid or deposited in the Court to be paid to the complainant.

2] The respondent shall keep witness present on payment of cost to avoid further delay in trial since case is very old.

3] The complainant shall take cognizance of order and remain present along with Advocate for the cross-examination of the witness.

4] The compliance of order is precedent for both the parties since case is old.

5] Parties to comply accordingly.

**(Typed and declared in open Court)**

Place: Aurangabad  
Date : 23/12/2025

**(D. S. Khedekar)**  
Judge,  
Labour Court-1, Aurangabad.