

ORDER BELOW EXH. U-7
(Dtd. 13/02/2026)

- 1] This application is filed by the respondent for setting aside order dated 08/01/2026, 22/01/2026 and 17/12/2025.
- 2] The applicant has filed reply at Exhibit C-18 and resisted application.
- 3] Heard learned Advocate for both the parties. Perused application and record and proceeding of the case in the light of contents of application and reply.
- 4] The applicant has lead evidence of witness vide Exhibit C-9 to which respondent had cross-examined and later on another witness is examined vide Exhibit O-6. However, the respondent did not cross-examined. The applicant has closed evidence vide Exhibit C-15 and from the record it appears that the respondents had remained absent, therefore, case was proceeded without cross-examination and without presence of respondent for leading evidence and posted for judgment due to the default of respondent for advancing argument.
- 5] The respondent claimed that he was collecting information and therefore, could not remained present for the progress of application. The applicant has claimed that application is without affirmation of party and without justifying single cause for claiming relief.
- 6] In view of nature of procedure and the contention of the respondent it is aপরant that the respondent had cross-examined to the witness of applicant and later on did not remained present.

However, come with case of collecting information. The claim of collecting information is vague for want of which information.

7] The application is silent for justifying cause for remaining absent in the application and there shows negligence on the part of respondent which has resulted proceeding case without there participation by passing order. In the circumstances and considering the nature of proceeding conclusion of procedure for decision of application on merit is just and the negligence on the part of respondent could be compensated to the applicant and in such circumstances setting aside order against the respondent would be just and imposition of cost for delay could be taken care of the inconvenience caused to the applicant. In the result I proceed to pass following order.

ORDER

- 1] Application is allowed subject to payment of cost of Rs. 2,000/- be paid to the applicant.
- 2] On payment of cost the respondent would be entitled for cross-examination of witness and leading further evidence if required.
- 3] The payment of cost is condition precedent on or before next date and non payment of cost would result forfeiture of right since case is old one.
- 4] Application is disposed of.

(D. S. Khedekar)

Place: Aurangabad
Date : 13/02/2026

Judge,
Labour Court-1, Aurangabad.