

**LABOUR COURT, AMRAVATI.**

**W.C.A.(Fatal) No. 15 of 2016**

CNR No. MHLC270001982016

Smt. Puja Sheshrao @ Vijay Bhimrao Raut and orthers

**V/s**

Mr. Amol Ashok Soni and others

**ORDER BELOW EXH.U-21**

(Passed on 16-11-2021)

This application is filed for amendment in the main application. It is submitted that the amendment is necessary in the interest of justice. On the other hand, the respondent no.1 opposed the application vide reply Exh.C-27 by submitting that the proposed amendment is vague. The case is fixed for evidence and at this stage amendment cannot be allowed.

2] Heard the learned Advocates for the parties. Present application is filed for granting compensation on account of death of Sheshrao @ Vijay Bhimrao Raut. The case is pending for evidence of applicant. However till today the evidence is not lead. The learned Advocate for the applicant has relied on the decision in the case of **Prabhakar Sadashiv Gokhale and another V/s Ramesh Shankar Ladkat and others, [ 2017 (4) Mh.L.J.]**. Wherein it is held that once trial is commenced court is barred from allowing amendment. In this case as stated above trial is not commenced till today. The proposed amendment is necessary to decide the case on merit.

The proposed amendment does not changes nature of application. No loss will be caused to the respondents if the application is allowed. The applicants are not introducing new cause of action. Therefore, application deserves to be allowed. Hence following order is passed.

**ORDER**

- 1]     The application is allowed.
  
- 2]     The proposed amendment be  
          carried out on or before till next date

sd/-

Date : 16-11-2021  
Amravati.

( M. M. Shaikh )  
Judge,  
Labour Court, Amravati.