

P.G.A. 06/2022

(CNR No.MHLC340000542022)

Mohammad Yunus Sheikh

v/s

MSRTC, Chandrapur.

ORDER BELOW EXH. U-12

(Passed on 20/06/2025)

- 1] Present application is filed by the Ld. Adv. for the applicant seeking permission to withdraw affidavit filed in lieu of evidence.
- 2] Non applicant filed say and strongly opposed the application and prayed to reject the same.
- 3] Perused application and heard the Ld. Advocates for both the parties.
- 4] It is submitted that the applicant has already filed affidavit in lieu of evidence on record. Thereafter, amendment has been carried out by virtue of circular dated 12.09.2024. As such, it is necessary to file fresh affidavit by withdrawing earlier affidavit. As such, the applicant has prayed for withdrawal of affidavit in lieu of evidence filed by the applicant below Exh. U-05.
- 5] The Ld. Adv. for the applicant wants to file fresh affidavit in view of amended contents of the application. It is worth to note here that the applicant has carried out amendment in the application by virtue of circular dated 12.09.2024. It appears that material changes have occurred in the contents of the application and the same needs to be effected in the affidavit in lieu of evidence of the applicant. Considering the above facts, earlier affidavit in lieu of evidence filed by the applicant is not sufficient. There is no hurdle in granting permission to the

1.....

applicant to withdraw his earlier affidavit so as to enable him to file fresh affidavit on record. The respondents have not commenced cross-examination of the applicant till date, therefore, no prejudice will be caused to the respondent. The application deserves to be allowed. Hence, following order is passed.

ORDER

- 1) Application is allowed
- 2) Permission is granted to the applicant to withdraw his earlier affidavit in lieu of evidence filed at Exh. U-05 with permission to file fresh affidavit on record.

C H A N D R A P U R.
Date :- 20.06.2025.

Sd/-
(A. D. Tidke)
Judge
Labour Court, Chandrapur