

ORDER BELOW EXHIBIT C-9 IN U.L.P NO.04/2023

This is an application on behalf of the non-applicants/respondents for setting aside no evidence order passed against them.

02. Perused application and say.

03. Heard both sides.

04. The submission of the respondent in short is that the Court was pleased to pass no evidence order against the respondent on last dated. If permission is granted to lead evidence, no prejudice will cause to other side. However, if permission is refused, prejudice will caused to the defence. As such, the respondents have prayed for setting aside no evidence order passed against them.

05. The applicant through his Ld. Advocate strongly opposed the application. The contention of the applicant in short is application is to be filed along with affidavit in lie of evidence but it is not filed on record. Thus, the applicant has alleged that the application is liable to be rejected.

06. It is worth note here that the respondents have failed to lead evidence despite grant of sufficient opportunity, therefore, my the then Ld. Predecessor was pleased to pass no evidence order against them. Now, the application for setting aside is filed on record but the same is not supported with affidavit in lieu of evidence of the witness of the respondents. The submission of the applicant is true that the application for setting aside no evidence order ought to have been supported by the affidavit of the witness. If the contents of the application is perused, no any sort of explanation is given on record that why the respondent could not lead evidence despite grant of sufficient opportunity. The respondents can be permitted in the interest of justice but subject to Costs of rupees 3000/- payable to the Complainant. In addition, strict direction is required to be given to file affidavit of the witness on next date without fail. Hence, following order is passed.

ORDER.

01. Application is allowed subject to Costs of rupees 3000/- payable to the complainant.
02. The Respondents to deposit or pay Costs amount to the complainant on next day and to file evidence affidavit without fail on the next date.

Date: 08.07.2025

Place: Chandrapur

Sd/-
(A.D.Tidke)
Presiding Officer

Judge Labour Court, Chandrapur .