

ORDER PASSED BELOW EXHIBIT C-14 IN WCA NO.10/2022

This is an application filed by non-applicant no.2 for setting aside no W.S order and for granting permission to file written statement on record.

02. Perused application and say.

03. Heard both sides.

04. The non-applicant no. 2 through it's Ld. Counsel has submitted that he was about to file reply at the earliest but documents filed with the main petition were received late. The Ld. Counsel sent those documents to the non-applicant no.2 along with written statement statement but the signature of the concerned officer of the non-applicant no.2 was obtained and the said documents are received to the non-applicant recently. However, during the course no W.S order came to be passed. The applicant led evidence and the matter came to be fixed for final argument. As such, the non-applicant has prayed for setting aside no W.S order and for granting permission to it for filing written statement on record of the case.

05. The application is strongly opposed by the Counsel appearing for the applicant and submitted that the non-applicant no.2 has secured presence in the matter on 28.11.2022 by filing memo of appearance. On the same day documents were received by the non-applicant no.2. Thereafter, on 16.12.2022 and 13.01.2023, non-applicant no.2 neither filed reply nor filed adjournment application on or record the case. The Court has passed no W.S order against the non-applicant no.2 on 31.03.2023. The submission of the applicant that delay was caused for obtaining documents is totally false and to protract the matter. It is further submitted that the Ld. Counsel for the non-applicant no.2 filed Vakalatnama on 23.12.2024 which itself show negligent conduct of the non-applicant no.2.

06. It is further submitted by the applicant that false submission is made by the non-applicant no.2 that no accident has taken place. The said submission is made in order to harass the applicant. There is no sufficient reason on record to cause delay for filing written statement on record. The applicant is unable to work due to injuries sustained in the accident. The non-applicant has caused delay of 2 years and 5 months and present application is filed which is devoid of proper reasons. With these contentions, the non-applicants have prayed for rejection of the application.

07. Perusal of record and proceeding shows that more than sufficient opportunity has been granted to the non-applicant no.2 for filing written statement on record of the case. Generally, the non-applicant ought to have filed written statement on record of the case within 90 days from the date of service of notice. The record makes it clear that on 28.11.2022, the non-applicant no.2 appeared through Ld. Counsel by filing memo of appearance on and on the same day documents were supplied to the non-applicant no.2. If RPAD receipts about service of notice to the non-applicant no.2 perused, then it becomes clear that the non-applicant no.2 was served on 08.09.2022. From the date of service of notice, the non-applicant no.2 ought to have filed written statement on record within 90 days i.e. on or before 08.12.2022.

08. It is worth to note here that no written statement order is passed by the Court on 03.03.2023. Thereafter, the matter was proceeded further and the case reached to the stage of final argument after passing further order against the non-applicant no.2. The delay caused for filing written statement is inordinate. However, considering reason put forth on record, the non-applicant no.2 can be permitted to file written statement on record. As a result of grant of permission to the non-applicant no.2 to file written statement, further orders passed against the non-applicant no.2 will automatically vacated and set aside.

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The delay has been caused for filing written statement on record which can be compensated in terms of Costs payable to the applicant.

ORDER

01. Application is allowed subject to Costs of Rs. 2500/- (Two Thousand Five Hundred Only)
02. No W.S order dated 03.03.2023 as well as subsequent orders dated 27.01.2025 and 21.04.2025 stands set aside and permission is granted to file written statement on record.

Sd/-

Date: 11.11.2025

Place: Chandrapur

(A.D.Tidke)

Judge
Labour Court, Chandrapur.