

ULP.24/2019
(CNR No.MHLC340001042019)

Sau. Vaishali Thavre -vs- Zilla Parishad

ORDER BELOW EXH.C-11
(Date :- 21.01.2022)

Instant application has been filed by the learned Counsel of the respondents for grant of permission for cross-examination of complainant by setting aside the order dated 07.01.2022 on Exh.C-9 by recall of witness. It is submitted that this matter is fixed for the evidence of the complainant before this Court. On last date 07.01.2022, the matter was fixed for cross-examination to the respondents. But on last date, the learned Counsel of respondents was suffering from viral infection and under home isolation and still the treatment is undergoing. Under such circumstances, the learned Counsel was unable to attend before the Court to lead the cross-examination. Under these circumstances, the no cross order was passed on 07.01.2022 vide Exh.C-9. The learned Counsel is ready to pay balance cost and also ready to submit medical certificate on next date. Lastly, prayed to allow the application.

02. The learned Counsel for the complainant opposed the application by endorsing his say on the application. It is submitted that the no cross order was passed against the respondent on 03.09.2021. The respondent and their learned Counsel were repeatedly absent

and on 06.12.2021, the learned Counsel of respondent seek permission to cross examine the witness, which was granted.

03. It is further submitted that the learned Counsel of respondent seek time on next date to cross examine the witness. It is submitted that the complainant and other witness reside in Nagbhid and it is not possible for them to get present on every date. They have traveling issue granting time on every date is harassing the complainant. Hence, prayed to reject the application with heavy cost.

04. Perused the record, application and say. Heard both the parties. It appears from the record that on 03.09.2021, no cross order was passed against the respondents. Thereafter, respondents filed application for setting aside the said no cross order passed against them. Which was allowed by this Court on 06.12.2021 subject to cost of Rs.200/-. Thereafter, instead of depositing the cost and conducting the cross examination, respondents filed application for time vide Exh.C-9, which was rejected by this Court as respondents not complied the direction passed in the application vide Exh.C-8. Today, respondents filed this application for granting permission to cross examine the complainant. It appears from the record that today respondents paid cost to the complainant as per order passed below Exh.C-8 and ready to cross examine the complainant. Therefore, considering the reasons mentioned in the application and in order to decide the order on merit, it is

necessary to give one more opportunity to the respondents for cross examination of complainant. Hence, I proceed to pass the following order.

ORDER

Application is allowed.

Sd/-

(Smt. R. V. Mete)

Judge

Labour Court, Chandrapur

C H A N D R A P U R.

Date :- 21.01.2022.