

ULP 24/2019

(CNR No.MHLC340001042019)

Vaishali Thaware

v/s

Zilla Parishad, Chandrapur.

ORDER BELOW EXH. C-49

(Passed on 24/01/2025)

This is an application filed by the learned Counsel of respondent for setting-aside no evidence order dated 19.09.2024 and permission to adduce evidence. It is submitted that the instant matter is fixed for argument before this court. It is submitted that there is part heard evidence of respondent. The said evidence of respondent was deferred due to some document query. Meanwhile the witness of the respondent being transferred to Aurangabad therefore, the said part heard matter for evidence is pending. But the respondent wants to lead part heard evidence. In the interest of justice lastly prayed to reject the application.

02. The learned Counsel for the respondent has given say on this application and strongly opposed the application. It is submitted that the respondent unnecessarily prolong the matter by filing such type of application. The examination in chief of witness is filed on 24.11.2022. Thereafter, respondent delay the matter and recorded the examination in chief on 19.04.2023. Moreover, respondent has not completed their chief therefore, Hon'ble court put up the matter for closing of evidence and rejected the application on 31.07.2024. Thereafter, evidence of the respondent was closed by order dated 19.09.2024 and the

matter is put up for argument. Respondent by filing such application intentionally prolong the matter. Lastly, prayed to reject the application.

03. Heard the learned counsels of both the parties. Perused record.

04. On perusal of the record, it appears that the reason assigned by the respondent for not adducing evidence within time by them is appeared to be convincing and genuine. Under such circumstances, it would be justified to give one more opportunity to applicants for adducing their further evidence. Considering the circumstances and aforementioned discussion, I am of the considered opinion that application deserves to be allowed but considering the fact that matter of the year 2019 and respondent unnecessarily prolong the matter some cost needs to be imposed upon the respondent. In the result, I pass the following order.

ORDER

- 1) Application is allowed, subject to cost of Rs. 1000/- (Rs. One Thousand Only) paid to the complainant on or before next date.
- 2) Respondent is directed to proceed with the matter positively on next date otherwise matter will be proceeded further.

Sd/-

(Smt. R. V. Mete)

Judge

Labour Court, Chandrapur.

CHANDRAPUR.
Date :- 24.01.2025.