

WCA No. 108/2019

**IN THE COURT OF COMMISSIONER FOR EMPLOYEES
COMPENSATION ACT AND JUDGE, LABOUR COURT, LATUR**

(Before D.R. Deshmukh)

Bhaskar Pandurang Mule
Age : 56 Yrs, Occu. : Agri
R/o. : Mudgad (E), Tq. Nilanga, Dist. Latur.

.....Applicant

Versus

- 1) Baliram Bibhishan Mule
Age : Major, Occu. : Owner/Business
R/o. : Mudgad (E), Tq. Nilanga, Dist. Latur.
- 2) The Branch Manager
Shriram General Insurance &
Shriram Transport Finance Co. Ltd.
Biradar Complex, above Axis Bank, IInd Floor,
Branch At Nilanga, Tq. Nilanga, Dist. Latur.

.....Respondents

ORDER BELOW EXH. C-2

Read the application and say. Heard both learned counsels. Perused the record.

It is submitted by respondent No. 2 that due to non communication and rush of official work it could not appear. Therefore, ex parte order has been passed against it. The applicant resists the application on the ground that respondent has not appeared in view to prolonge the matter and therefore, prayer to reject the application with cost.

It is seen that respondent No. 2 i.e. insurance company was served with summons but failed to appear. Therefore, matter

proceeded ex parte against respondent No. 2 vide order dated 05/03/2020. This is a claim petition against the insurance company and the owner of the vehicle claiming compensation for causing death of applicants' brother. The respondent No. 2 is the contesting party. In order to adjudicate the matter on its merit, it is required to give opportunity to respondent No.2. But, at the same time, it cannot be ignored that delay is caused on behalf of respondent No.2. Hence it is liable to be penalized by imposing cost. Thus, I pass the following order :

ORDER

- 1) Application is allowed.
- 2) Ex party order passed against respondent No. 2 is set aside on subject to payment of cost of Rs. 300/- to the applicant.
- 3) Cost is the condition precedent.

Date :- 16/12/2020

Place :- Latur.

[D. R. Deshmukh]
Commissioner for E.C. Act &
Judge, Labour Court, Latur.