

Appeal No. 04 of 2018

Shri. Yashwantrao Suryakant Mane,

V/s.

Shriram Education Society, Phaltan and others

Order below Exh. 35.

(Date - 4th February, 2019)

1) This application is filed by the Respondent No. 3 for setting aside “No Written Statement order” passed against him.

Facts of the Application is as under :

2) The matter was posted for hearing on stay application. As there was urgency shown by the Appellant for conducting hearing of Stay application, hence say was filed to the stay application only. However, the Appellant has not shown anything expressly whether he wants to proceed with the stay application or not. Therefore, the Respondents was under impression that the say was required to be filed after hearing of the stay application. If the written statement is taken on the record, no prejudice will be caused to the Appellant. Hence prayed for setting aside “No Written Statement order”. The Appellant has filed say, thereby prayed for awarding cost.

3) Heard both the parties. Perused the record. It can be seen from the record that, the Respondent No. 3 has failed to file Written Statement, therefore, by passing order at Exh. 1, the matter is proceed without Written Statement. It is necessary to decide the matter on merit,

for which it is necessary to provide an opportunity to the Respondent to file written statement. The Copy of Written Statement is enclosed with this application. In the interest of justice it is necessary to allow the Respondent No. 3 to file Written Statement. Hence I pass following order.

ORDER

1. Application stands allowed.
2. “No Written Statement order” passed against the Respondent No. 3 dated 27.11.2018 is set aside in the interest of justice.

(Order dictated and pronounced in the open Court.)

Date : 4th February, 2019.
Place: Kolhapur.

sd/-
(V. V. Joshi)
Presiding Officer,
School Tribunal, Kolhapur.