

BEFORE THE INDUSTRIAL COURT AT AURANGABAD

Complaint (ULP) No.348/2015

[CNR NO.MHIC -200004372015]

Chhaya Murlidhar Salunke

..... **Complainant**

V/s

The Management,
Nath Bio-Genes (I) Ltd.,
Nath House, Nath Road,
Aurangabad.

..... **Respondent**

ORDER BELOW EXH. C-19

[Dated 18/08/2026]

1] Under the signature of Advocate Shri Rahul Pitekar present application is filed and prayed that, the no-cross order dated 07-10-2025 may be set aside and permission may kindly be granted to take cross-examination.

2] It is submitted that, before recording evidence matter was referred to the mediation. However, mediation could not succeed. Subsequently the complainant filed her affidavit on 11-08-2025 and matter was posted for cross-examination on 28-08-2025. The Court has granted time on 28-08-2025 and thereafter matter was fixed on 18-09-2025. Again on dated 18-09-2025 application was filed by respondent and Court has granted as a last chance and matter was fixed on 07-10-2025. On 07-10-2025 the Advocate for respondent could not remain present. In the result, this Court has passed no-cross order. The absence of Advocate on the said date was neither intentional nor deliberate. Subsequently the respondent preferred an

application for amendment of written statement which came to be allowed by this Court on 23-06-2026 upon payment of cost of Rs.5,000/- and amended written statement has taken on dated 08-07-2026. Therefore, it is become necessary to permit the respondent to take the cross-examination of the complainant. The cross-examination is valuable and substantive right of the litigating party. Denial of opportunity would seriously prejudice the defence of the respondent. Hence, he has prayed that, no-cross order be quashed and set aside and respondent be permitted to cross-examine the complainant.

3] The complainant has filed say at Exh.U-45 and strongly opposed the application submitting that, said application is devoid of any merit and filed with malafide intention. The no-cross order came to be passed on 07-10-2025 however, present application is filed on 20-07-2026 and a deliberate and calculated delay nearly about 11 months. The complainant filed her affidavit on 11-08-2025. Thereafter on various dates the Court has granted opportunity. Despite granting opportunity the respondent failed to take cross-examination and thereafter the Court has passed 'no cross-examination' order. During the period subsequent 'no cross-examination' order the respondent was not dormant but was actively prosecuting other proceedings. The respondent preferred an application for amendment in its written statement and which allowed by the Court. This fact unequivocally proves that, the respondent was fully aware of the order dated 07-10-2025. Hence, application is made with malafide intention to prolong the proceeding and deserve to be rejected with heavy cost.

4] Heard the parties. After going through the entire proceeding it is observed that, admittedly the evidence affidavit of complainant was filed on dtd. 11-08-2025. Thereafter matter was posted for cross-examination on 28-08-2025, 18-09-2025 and 07-10-2025. On 28-08-2025 and 18-09-2025 application was filed by respondent and prayed to grant adjournment. In the interest of justice, both these applications were allowed by the Court and on 18-09-2025 last chance was granted to the respondent. Thereafter matter was adjourned on 07-10-2025. In spite of knowing the date fixed for cross-examination neither the respondent has appeared nor any adjournment application is filed. Therefore, 'no-cross' order was passed on 07-10-2025 and matter was fixed for respondent's evidence. As far as amendment application is concerned it has filed by respondent on dtd. 23-06-2026. Since 07-10-2025 to 22-06-2026 matter was posted for evidence on the part of respondent. If the respondent was willing to set aside 'no-cross' order, it was possible to file present application. But it has failed to do so and after 11 months present application has been filed. It appears that, it was not bonafide mistake on the part of respondent and also it appears that the matter is prolonged on the part of respondent itself. However, in the interest of justice one more opportunity is required to be granted to the respondent. But for the cause of inordinate delay, the respondent is required to impose cost. If such order is passed, no prejudice shall be caused to the complainant. Therefore, this Court proceed to pass following order :

ORDER

1] Application at Exh. C-19 is hereby allowed with cost of Rs.5,000/-.

2] The respondent is directed to pay the cost of Rs.5,000/- to the complainant directly or to deposit the cost with the office of this Court within eight days. Needless to say that, if the respondent failed to pay or deposit the cost within granted time, said order shall be restored without passing any specific order.

3] The complainant is directed to remain present before the Court on next date and respondent shall proceed with the cross-examination on next date.

Date :18-08-2026
Place:Aurangabad.

[S. D. Suryawanshi]
Member,
Industrial Court, Aurangabad.