

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3052 OF 2019

Bajaj Allianz General Insurance Co.
Ltd. Through Branch Manager/
Authorized Signatory .. Petitioner

Versus

Mukinda Fakirrao Chaure and others .. Respondents

Shri S. G. Chapalgaonkar, Advocate for the Petitioner.
Shri V. P. Kadam, Advocate for the Respondent Nos. 1 and 2.

**CORAM : SANDEEP V. MARNE, J.
DATE : 17TH OCTOBER, 2022.**

FINAL ORDER :

. By present petition, petitioner challenges order dated 05th February, 2019 passed by the Commissioner for Employees Compensation and Judge Labour Court in W.C.F.A. No. 16 of 2018. By that order the Judge has rejected application for recall of “No W.S.” order.

2. Mr. Kadam, learned counsel appearing for the respondent Nos. 1 and 2 submits that, he has no objection, if, the order is set aside. However, petitioner be saddled with cost for its failure to file written statement within time.

3. The Judge has passed ‘No W.S.’ order on account of failure of the petitioner/Insurance Company to file written statement

within five months. As against, this present petition is pending before this Court without any progress in the matter for the last three long years.

4. In my opinion, it would be appropriate that the petitioner is given an opportunity to file a written statement so that the proceedings before the Judge, Labour Court can proceed further. Accordingly the petition is allowed. The impugned order is set aside. 'No W.S.' order passed on 14.11.2018 is also set aside. The petitioner shall file written statement within a period of four (04) weeks from today. The petitioner shall pay to the respondent Nos. 1 and 2 cost of Rs. 5,000/- (Rs. Five thousands only) within a period of four (04) weeks from today.

[SANDEEP V. MARNE, J.]

bsb/Oct. 22