

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (CAF) No.16/2022

IN

First Appeal Stamp No.16848/2021

Mr. Shivaji Kjudlik Chunchekar Vs. Pranita Pradeep Sawant & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.J. Thakkar, Advocate for the Applicant.

CORAM : **SMT. ANUJA PRABHUDESSAI, J.**

DATE : **5th JANUARY, 2022.**

01] The Appellant herein has challenged the judgment and award dated 16.11.2021 passed by the Commissioner under Section 30 of the Employees Compensation Act, 1923.

02] A perusal of the record reveals that the Appellant had filed the affidavit-in-evidence on 25th February, 2020. Subsequently, the matter was adjourned time and again due to lockdown because of Covid-19 pandemic. It is seen that the learned Judge has closed the evidence of the Appellant on 13.10.2021 on the ground that the present Appellant was not present since 23.03.2020.

03] The records reveal that the respective parties had remained absent because of the lockdown and the situation arising from Covid-19 pandemic. Hence, *prima facie*, learned Commissioner was not justified in closing the evidence. Under the circumstances, the application is allowed. The Appellant is exempted from submitting certificate of the Commissioner. The civil application stands disposed of.

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04] Issue notice to the Respondents, returnable after two weeks. Private service is permitted.

(SMT. ANUJA PRABHUDESSAI, J.)

Vijay