

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

913 REVIEW APPLICATION (CIVIL) NO.281 OF 2022
IN FA/864/2018 WITH CA/14580/2022 IN RA/281/2022

VIJAY BALAJI KAWADE (DIED) THR LRS BALAJI AND ORS
VERSUS
SANTOSH KIRTIKUMAR HATTE AND ORS

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Advocate for Applicants : Mr. Fayaz K. Patel h/f Valse Vikrant
Advocate for Respondent 1 : Mr. Vijay Kawade h/f S.P. Urgunde

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: August 02, 2023

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PER COURT :-

1. The applicants/original claimants seeks review of the judgment and order dated 23.8.2022 passed in FA No.864 of 2018.
2. By order under review, this Court remanded the matter for fresh hearing before the Commissioner for Employee's Compensation and Judge, Labour Court, Latur and directed to decide the proceedings within a period of three months.
3. Learned counsel for the review applicants submits that since the original claimant is no more, it is not possible for him to lead the evidence. He would further submit that the Doctor, who has issued disability certificate, is also no more. Therefore, the claimants cannot lead any more evidence. However, the Commissioner is insisting him to record his evidence, afresh. He submits that, if the respondents desire, the evidence of the respondents can be recorded. For that purpose, he has no objection. However, he submits that the application shall be decided expeditiously without making further delay.

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4. The perusal of order under review shows that the parties were granted liberty to lead the evidence. However, none of the party can be compelled to lead the evidence. If the claimant do not desire to lead any more evidence, he can file purshis to that effect. The respondents can record their evidence if they desire. The Commissioner can thereafter pass fresh award. The proceedings shall be disposed off within a period of eight weeks from today without making further delay. The parties shall co-operate for early disposal of the matter. In view of the aforesaid observations, nothing survives for consideration in this review application. Review application is disposed off. Pending civil application, if any, also stand disposed off.

(S. G. CHAPALGAONKAR, J.)

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