



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

989 WRIT PETITION NO. 8969 OF 2023

M/s Sejal Plasticthrough Its Proprietor Santosh Vasantrao Joshi
.....Petitioner

VERSUS

Ananta Gangaram Kuber
.....Respondent

.....
Advocate for the Petitioner : Mr. Kulkarni Ashutosh S.
Advocate for Respondents : Mr. A.P. Basarkar
.....

CORAM : ARUN R. PEDNEKER, J.

Dated : January 30, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. By way of the present writ petition, the petitioner/original respondent is challenging the order dated 22.2.2023 below Exh. U-106 in W.C.A. No. 26/2014 passed by the Commissioner under Employees Compensation Act and Judge, Labour Court – 2, Aurangabad.
3. The learned counsel for the petitioner submits that the application, Exh. U-106, filed by the present respondent for production of document is allowed without hearing the petitioner and it has adverse effect on the case of the petitioner. It is the contention of the petitioner that the Trial Court has directed the petitioner to produce the document which is not in his custody and which will cause prejudice to the case of the petitioner.
4. The learned counsel for the respondent has not been able to controvert that the petitioner is not heard in the matter. The learned counsel for the respondent submits that the said document is already placed on record.
5. In view of the uncontroverted submission of the petitioner that the petitioner is not heard before deciding the application at Exh. U-106, the writ petition is allowed and the order dated 22.2.2023 below Exh. U-106 in W.C.A. No. 26/2014 passed by the Commissioner under Employees

Compensation Act and Judge, Labour Court – 2, Aurangabad is set aside and restored to the file of Labour Court and the Labour Court is directed to decide the same in accordance with law.

6. The learned counsel for both the parties submit that the matter is pending for long period of time before the trial Court and it would be more appropriate to expedite the hearing of W.C.A. No. 26/2014.

7. Considering the pendency of the matter before the trial Court from 2014 and in the interest of justice, the Commissioner under Employees Compensation Act and Judge, Labour Court-2, Aurangabad is directed to decide the W.C.A. No. 26/2014 as expeditiously as possible and in any event, within a period of eighteen months from the date of production of this Order.

(ARUN R. PEDNEKER, J.)

ssc/