



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

Writ Petition No. 3086 of 2015

Chief Executive Officer, Z.P., Akola ..vs.. Khushal s/o Namdeorao Gaikwad (dead) through L.R.
Kamal Wd/o Khushalrao Gaikwad]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. V. Bute, Advocate for the petitioner
Mr. N. D. Sonare, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 03-10-2024

The challenge to the order passed by the Industrial Court, Akola is on the ground that opportunity of hearing was not given to the petitioner – Chief Executive Officer, Zilla Parishad, Akola.

2. Learned counsel for the petitioner submits that only one witness was examined though the list of witnesses which included number of witnesses. He further submits that no opportunity was given to the petitioner to defend the cause.

3. As against, learned counsel for the respondent has invited my attention to paragraph no. 6 of the judgment which reads thus :

“6. The complainant has examined himself by submitting his affidavit at Exh. 53 and closed his evidence. The respondent has failed to remain present in the Court, failed to adduce the evidence, therefore, the complaint proceeded further without the evidence of respondent.

*Heard Shri R. K. Pardikar Representative.
No one was present for the respondent on the day*

of hearing. Perused the documents as produced on record by the complainant.”

4. Thus it appears that the petitioner – original respondent no. 2 did not cross-examine the respondent – original complainant. Further, the petitioner failed to adduce evidence and also remained absent when matter was listed for hearing.

5. If that be so, no fault can be attributed to the Industrial Court. The petitioner’s grievance that he was not given opportunity to defend the case appears to be contrary to the record. There is no merit in the petition. The petition is dismissed.

(Anil L. Pansare, J.)