

Complaint ULP No. 34/2022

Nitesh Roshan Chichame Vs. R.F.O. Nagzira and 2

ORDER BELOW EXHIBIT C-25

(Passed on 07/07/2025)

1. This is an application filed by respondents for discarding affidavit of Shri. S. P. Barsagade, R.F.O. Nagzira and permission to file affidavit of present R.F.O. Nagzira. It is submitted that respondents was filed affidavit by way of examination-in chief of the R.F.O, who was holding additional charge of R.F.O. Nagzira. Now, regular R.F.O. Nagzira namely KU. A.V. Lambat has taken over the charge of R.F.O. Nagzira. The then R.F.O. is not available for further evidence before the Court. Hence, affidavit of then R.F.O. Shri. S. P. Barsagade needs to be discarded and permission to file affidavit of present R.F.O. Ku. A. V. Lambat.

2. The applicant raised objection and submitted that there is no procedure of law to change the evidence. It is just to delay the matter. Hence, the application be rejected with heavy costs of Rs. 5000/-.

4. Heard both the sides. It is argued on behalf of the respondents that the then R.F.O. Nagzira Shri. S.P. Barsagade is transferred to other place therefore he is not available for further evidence before the Court. As such affidavit of the then R.F.O. Nagzira is to be discarded and permission is to be granted to file affidavit of present R.F.O. Nagzira.

5. Perused record of the case, it appears that respondents have filed examination in chief by affidavit on 03/03/2025 at Exhibit-C-18. It is settled legal principle that the matter ought to be decided on merit and parties is to be given full opportunity to defend themselves. Hence, it

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would be just and proper to give opportunity the respondents to file fresh affidavit on record. Hence, following order.

ORDER

1. Application is hereby allowed.
2. The respondents are directed to file fresh affidavit on next date definitely.
3. No order as to costs.

sd/-

Place :Bhandara
Date : 07/07/2025

(F. K. Shaikh)
Judge,
Labour Court, Bhandara