

**Exhibit-O-4**

|               |                |
|---------------|----------------|
| Presented on  | 15/02/2018     |
| Registered on | 15/02/2018     |
| Decided on    | (22/10/2018)   |
| Duration      | 00Y. 08M. 08D. |

**In the Court of the Judge, Labour Court, Jalgaon**

( Presided over by Mrs.Meghana Ashish Deshmukh )

**Misc. Application (ULP) for Restoration No. 1 of 2018**

( CNR No. MHLC190000222017 )

Tushar Dattatraya Chaudhari  
Age : 33 years, Occ : Service  
R/o.Pimpalgaon Hareshwar,  
Tal-Pachora, Dist-Jalgaon

..... Applicant

**V E R S U S**

Sarpanch,  
Grampanchayat, Pimpalgaon Hareshwar,  
Tal-Pachora, Dist-Jalgaon

..... Opponents

**APPEARANCES** : 1] Mr.P.N.Kulkarni, Id.Advocate for Applicant.  
2] Mr.M. D. Deshpande, Id.Adv. for Opponents. .

**-: JUDGMENT :-**

[ Delivered on 22/10/2018 ]

1. This is an application for restoration of Complaint (ULP) No. 8 of 2013 which was dismissed for default on 29/08/2017.

2. Brief facts of the case are that, applicant had filed Complaint (ULP) No.8 of 2013 in the Labour Court under apprehension of termination of service. While pendency of the said case applicant's wife died on 29/11/2015. Applicant's mental health was not good. He

could not contact with his advocate. In the meantime, his case was dismissed. There is strong reason to allow present application. Therefore, it is prayed that, Complaint (ULP) No.8/2013 may be restored on record.

3. Accordingly, opponents appeared but they have not filed their say. Therefore, application is proceeded further without say of opponents as per order passed below Exh-U-1 dtd.22/10/2018.

4. The following points arose for my determination. I record my findings against them for reasons discussed below ;

| <u>No.</u> | <u>Points</u>                                                                 |       | <u>Findings</u>    |
|------------|-------------------------------------------------------------------------------|-------|--------------------|
| [1]        | Whether the Complaint (ULP) No. 8 of 2013 requires to be restored on record ? | ..... | In the Affirmative |
| [2]        | What order ?                                                                  | ..... | As per final order |

### **REASONS**

#### **As to Point no.1 & 2 :**

5. Heard Id.Advocate for applicant. Application is supported by affidavit. The opponents appeared in present case but they have not filed their say or written statement. There is no oath against oath. Therefore, the averments of the applicant mentioned in his application which are supported by affidavit remained unchallenged. If present application is allowed, then it will not cause any prejudice to the opponents. Opponents will have fair opportunity to contest the matter. But if the said case is not restored then the applicant will be forever deprived of his right to seek relief. Therefore, in the interest of justice restoration application deserves to be allowed. Accordingly, point no.1 is

answered in the affirmative. It will be proper to impose cost upon applicant. Hence, for point no.2 I pass the following order ;

**ORDER**

|     |                                                                                                                                                          |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| [1] | Application is allowed.                                                                                                                                  |
| [2] | The Complaint (ULP) No.8 of 2013 be restored on record on cost of Rs.200/- to be deposited with Government within one month from the date of this order. |
| [3] | Notices be issued to all parties.                                                                                                                        |
| [4] | Concerned Clerk is directed to comply the order.                                                                                                         |

sd/-xxx

(Mrs.Meghana Ashish Deshmukh )  
Judge,  
Labour Court, Jalgaon

**Place: Jalgaon**  
**Date: 22/10/2018**

Argued on : 22/10/2018  
Judgment dictated on : 22/10/2018  
Judgment transcribed on : (Directly Typed on Computer)  
Judgment checked & signed on : 22/10/2018 \*PTP/-