

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

25 WRIT PETITION NO. 10071 OF 2015
WITH WP/10070/2015

DIGAMBER DNAYANDEO GHOGARE
VERSUS
BHAGWAN BABANRAO KALE AND OTHERS

Shri. D.M. Pardeshi, Advocate, for petitioner.

Shri. H.D. Deshmukh, Advocate, for respondent Nos.1 to
5 and 7.

CORAM: T.V. NALAWADE, J.

DATE : 22 AUGUST 2016

ORDER:

1) Both the petitions are filed to challenge the orders of "No WS" and the orders made on the applications filed by respondent No.2 for setting aside the "No WS" orders. Two claim petitions being MACP No.700/2013 and 701/2013 are filed against the present petitioner, owner of the vehicle. Both the sides are heard.

2) The orders made by the Tribunal show that the Tribunal refused to allow to file written statement for the reason that after more than 9 months the order of "No

WS" was challenged by the owner. Learned counsel for the present petitioner submitted that the petitioner's counsel had not taken steps and the respondent No.2, owner was not attending the Tribunal and due to that written statement could not be filed.

3) The submissions made show that the applications filed for compensation under the provisions of "No Fault Liability" are not yet decided. Considering the possibility that such tactics are played to protract the decision of the application filed for compensation under No Fault Liability, this Court holds that permission can be given to the respondent No.2, owner, present petitioner to file written statement subject to condition that he deposits amount of Rs.50,000/- (Rs. Fifty Thousand Only) in MACP No.700/2013 within 45 days and in another petition, MACP No.701/2013 he deposits Rs.25,000/- (Rs. Twenty Five Thousand Only) within 45 days. Only after such amounts are deposited in the two proceedings, it is to be presumed that the orders made by the Tribunal against the respondent No.2, owner, are set aside and he is allowed to file written statement. If the amounts are

deposited, the Tribunal to decide the main matters itself. Entitlement of the claimants to get compensation under "No Fault Liability" will be decided independently and after making order on those applications filed under section 140 of the Motor Vehicles Act the amounts deposited in view of this order are to be adjusted.

Sd/-
(T.V. NALAWADE, J.)

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