

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

932 CIVIL APPLICATION NO.9165 OF 2022
IN FAST/14719/2022

RAOSAHEB S/O VENKATRAO SHINDE
VERSUS
SANGITA W/O BALAJI @ BALASAHEB KADAM AND ORS

...
Advocate for Applicant : Mr. Panpatte V.S. And Nagargoje A.N.
Advocate for Respondents : Mr. B.N. Gadegaonkar
...

CORAM : S.G. DIGE, J.
DATE : 23rd June, 2022

PC.:-

Heard learned counsel for the applicant and the respondent no.1 who appeared on caveat.

2. Learned counsel for the applicant submits that the order is passed behind back of the applicant. The summons was not served on the applicant and in spite of that in the impugned order of learned Motor Accident Claims Tribunal, Nanded it is mentioned that summons was served on the applicant and the *ex parte* order is passed against the applicant, which the applicant has challenged in the appeal.

3. Learned counsel for the respondents submits that in the judgment and order of learned M.A.C.T., Nanded it is observed that in spite of service of

summons applicant failed to appear before the learned M.A.C.T., Nanded hence, ex parte order is passed, if this Court inclines to stay the order of learned M.A.C.T., Nanded the applicant be directed to deposit the entire compensation amount awarded by the learned M.A.C.T., Nanded. Considering the submissions of both the learned counsels as well as the order is passed *ex parte* against the applicant, I pass the following order:

ORDER

- i) The Application is allowed.
- ii) The applicant shall deposit 50% of compensation amount as per the judgment and award passed by the learned M.A.C.T., Nanded. The said amount shall be deposited in fixed deposit within one week.
- iii) The order passed by the M.A.C.T., Nanded is stayed till the final disposal of appeal.

[S.G. DIGE, J.]