

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

932 CIVIL APPLICATION NO.8989 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 applicant was not aware about the pendency of the matter before the learned Motor Accident Claims Tribunal, Nanded. The applicant came to know about the order passed by the M.A.C.T., Nanded only when applicant received the notice of execution in September-2021. Hence, requested to condone the delay.

3. Learned counsel for the respondent no.1 objected for condonation of delay.

4. The learned Tribunal has passed *ex parte* order against the applicant. The appeal is preferred against the order of M.A.C.T., Nanded. The applicant was not aware about the *ex parte* order passed against him. When he came to know about the order passed against him he approached this Court. So in the interest of justice, it is necessary to condone the delay. Hence I pass the following order:

ORDER

- i) The delay of 1284 days is condoned for filing the first appeal.
- ii) The Civil Application is disposed of.
- iii) Appeal be registered. Call R & P.
- iv) Issue notice to the respondents in First Appeal Stamp, returnable on 29.06.2022. Learned counsel Shri Gadegaonkar waives service for respondent no.1.

[S.G. DIGE, J.]