



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAF) NO. 2533 OF 2025

IN

FIRST APPEAL ST. NO. 14083 OF 2025

IFFCO TOKIO GENERAL INSURANCE CO. LTD.

Vrs.

SMT. SANGITA DNYANESHWAR CHAVAN AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Amit Kukday and Shri Vedant Akhade, Advocates for
applicant/appellant.
Shri S. B. Bhalerao, Advocate for non-applicant Nos.1 to 5.

CORAM: Y. G. KHOBRADE, J.

DATE : 27/04/2026.

1. By the present application, the applicant – Insurance Company seeks to condone the delay of 64 days caused while lodging the appeal against the judgment and award dated 07/12/2024 passed in MACP No.111/2023 by the learned Member, MACT, Yavatmal.

2. Despite service, the respondent Nos.6 and 7 failed to appear in the matter.

3. Having regard to the submissions canvassed on behalf of both the sides, I have gone through the record.

4. On the face record, it appears that on 07/12/2024, the learned Member, MACT, Yavatmal passed the impugned judgment and award in MACP No.111/2023.

5. Thereafter, the communication was issued on behalf of the applicant for getting sanction and approval for filing the appeal against the judgment and award for which the delay of 64 days is caused which appears to be bonafide and substantiate.

6. Therefore, I am inclined to condone the delay of 64 days while lodging the appeal.

7. Accordingly, Civil Application (CAF) No.2533/2025 is hereby allowed. Delay of 64 days caused in lodging the appeal is hereby condoned.

8. Civil application stands disposed of.

Civil Application (CAF) No.2535/2025

9. Since the applicant / appellant – Insurance Company has already deposited the entire amount of compensation under judgment and award dated 07/12/2024 passed in MACP No.111/2023 by the learned Member, MACT, Yavatmal, the effect, operation and execution of the impugned judgment and award is hereby stayed.

10. Accordingly, Civil Application No.2535/2025 stands disposed of.

Civil Application (CAF) No.1452/2026

11. By the present application, the non-applicant Nos.1 to 5 / original claimants seek permission to withdraw the entire amount of compensation of Rs.44,08,369/- with interest deposited by the appellant – Insurance Company on 13/10/2025 before this Court.

12. Learned counsel appearing for the appellant – Insurance Company strongly opposed the application and contended that if the present non-applicant Nos.1 to 5 are permitted to withdraw the entire amount of compensation, in that event, it will be very difficult to recover the amount, in case this Court modifies or reverses the impugned judgment and order. However, considering the nature of claim and to meet the financial crises, it would be just and proper to permit the present non-applicant Nos.1 to 5 / original claimants to withdraw 50% of their share of compensation amount granted under judgment and order dated 07/12/2024 passed in MACP No.111/2023 with accrued interest on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

13. Accordingly, Civil Application (CAF) No.1452/2026 is disposed of.

FIRST APPEAL ST. NO.14083/2025

14. Heard.

15. **Admit.**

16. Shri S. S. Bhalerao, learned counsel waives service of notice for respondent Nos.1 to 5.

17. The appellant is permitted to serve the respondent Nos.6 and 7 by speed post, in addition to regular mode of service.

18. The appellant shall file paper book within a period of twelve weeks from today.

19. After the paper book is filed, place the matter for final hearing in the week commencing from 05/10/2026.

[JUDGE]

Choulwar