



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

**912 CIVIL APPLICATION NO. 5001 OF 2025
IN FAST/789/2023**

Gangabai Anantrao Masal & Others

VERSUS

Tata Aig General Insurance Co Through Its Manager

...

Mr. Telgaonkar Nitin Uttamrao, Advocate for Applicant

Mr. Rohit H. Dahat, Advocate for Respondent No.1

WITH

**CIVIL APPLICATION NO. 1220 OF 2023
IN FAST/789/2023**

Tata Aig General Insurance Company Ltd

VERSUS

Gangabai Anantrao Masal

...

Mr. Dahat Rohit H., Advocate for Applicant

Mr. Telgaonkar Nitin Uttamrao, Advocate for Respondent

WITH

**CIVIL APPLICATION NO. 1222 OF 2023
IN FAST/789/2023**

Tata Aig General Insurance Company Ltd

VERSUS

Gangabai Anantrao Masal

...

Mr. Dahat Rohit H., Advocate for Applicant

Mr. N. U. Telgaonkar, Advocate for Respondent Nos.1 & 5

CORAM : SANJAY A. DESHMUKH, J.

DATE : 25.11.2025

PER COURT :-

APPLICATION FOR STAY

1. This is an application seeking stay to the execution of the impugned judgment and award.

2. The learned advocate for the applicant / appellant submits that the entire amount as per the impugned judgment and award is deposited in this Court.

3. In view of the above, the application is allowed in terms of prayer clause 'B' and disposed of.

APPLICATION FOR WITHDRAWAL OF AMOUNT

1. This is an application seeking permission to withdraw the amount deposited in this Court pursuant to the award.

2. Heard the learned advocates for both sides.

3. Learned advocate for the applicants submitted that earlier 50% of the compensation amount was withdrawn by the claimants. He now prays for withdrawal of the remaining amount of compensation deposited in this Court.

4. Learned advocate for the respondent-Insurance Company strongly opposed the application on the ground that the cover note of the offending vehicle was not issued at the time of the accident. However, learned advocate for the claimants pointed out paragraph No.25 of the impugned judgment of the learned Tribunal, which

clarifies that the cover note was in fact issued by the Insurance Company.

5. Perused the application. For the reasons stated therein and apart from the merits of the case, this Court is of the view that the present application deserves to be partly allowed in the interest of justice. While passing the order dated 10.08.2023 in Civil Application No.7854 of 2023, this Court had permitted withdrawal of 50% of the compensation amount. In paragraph No.7 of that order, this Court observed that Applicant No.4 would be at liberty to seek withdrawal of her share of compensation upon attaining majority. She has now attained majority. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicants are permitted to withdraw 25% of the amount with accrued interest thereon deposited in this Court on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- c. Since applicant No.4-Nikita D/o Anantrao Masal has now attained majority, the Registry shall release to her the amount payable to her share, in accordance with law.

APPLICATION FOR DELAY

1. Learned advocate for the applicant seeks time to take necessary steps in the matter.
2. Stand over to 23.12.2025.

[SANJAY A. DESHMUKH, J.]

HRJadhav