



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

70 CIVIL APPLICATION NO. 2558 OF 2025
IN FAST/14201/2024

Ajay Madhav Narale Through Its Next Friend Wife, Sow
Shubhangi Ajay Narale

VERSUS

Baban Gopala Shelke And Anr

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Advocate for Applicant : Mr. Shaikh Sohail Yusuf & Shaikh
Mazhar A. Jahagirdar

Advocate for Respondents : Mr. Ravindra V. Gore h/f
A.A.Shaikh, Adv. Abhijit G. Choudhari For R/2

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WITH

CIVIL APPLICATION NO. 7639 OF 2024 IN FAST/14201/2024

WITH

CIVIL APPLICATION NO. 7640 OF 2024 IN FAST/14201/2024

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 07, 2025

ORDER :-

Withdrawal of the amount :-

1. Heard learned advocates appearing for the respective parties.

2. The applicant/injured has filed MACP No.36 of 2021 seeking compensation against the respondent towards permanent disablement suffered by him in an accident dated 2.11.2020. The Tribunal, after evaluation of the evidence allowed the claim petition and awarded an amount of Rs.42,97,360/- alongwith interest @ 6% p.a. Aggrieved insurer filed present appeal assailing quantum of the compensation.

3. Looking to the reasons as stated in the impugned order and injuries suffered by the applicant/claimant, certainly, he is entitled to withdraw partial amount during pendency of this appeal. Hence, following order.

ORDER

- i. Application is partly allowed.
- ii. The applicant/claimant is permitted to withdraw an amount of Rs.30.00 (Rs. Thirty Lakh) on furnishing usual undertaking to the satisfaction of the Registrar Judicial of this Court.
- iii. Balance amount be kept in fixed deposit till disposal of the appeal.
- iv. CA stands disposed of.

CA for Condonation of Delay :-

1. Heard Mr. Choudhary, learned counsel appearing for the applicant.
2. The applicant seeks to condone the delay of 208 days caused in filing the appeal.
3. Perused the application and reasons as stated. Apparently, delay has been occasioned on account of administrative exigencies. The applicant has not derived any advantage by making delay. Hence, sufficient cause is made out to condone the delay. In result, application is allowed. Delay of 208 days caused in filing the appeal is condoned. CA stands disposed of.

4. Appeal be registered. On registration of the appeal, issue notice to the Respondents, returnable on 21.4.2025. Mr. Mazhar, learned counsel waives notice for respondent no.1. Mr. Gore, learned counsel waives notice for respondent no.2.

5. Call for Record and Proceeding.

Stay Application :-

Mr. Choudhary, learned counsel submits that entire amount as per award passed by the Tribunal is deposited with the Registry of this Court. Said statement is supported by office endorsement.

Hence, application is allowed in terms of prayer clause 'B' and **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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