



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 3452 OF 2025
IN FAST/9900/2016

SHAIKH HASAN MOHAMAD ISMAIL AND ANR
VERSUS
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Advocate for Applicant : Mr. Shaikh Sohail Y. Jahagirdar h/f
Mr. Shaikh Mazhar A. Jahagirdar.
Advocate for Respondent No.2 : Mr. S. R. Bodade.

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WITH CIVIL APPLICATION NO. 4323 OF 2016
IN FAST/9900/2016

THE NEW INDIA ASSURANCE CO. LTD. THROUGH ITS IN-
CHARGE (LEGAL HUB)

VERSUS
SHAIKH HASAN MOHAMAD ISMAIL AND OTHERS

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Advocate for Applicant : Mr. S. R. Bodade.
Advocate for Respondent Nos.1 & 2 : Mr. Shaikh Sohail Y.
Jahagirdar h/f Mr. Shaikh Mazhar A. Jahagirdar.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 16.04.2025

PER COURT :-

Civil Application No. 3452 of 2025

1. The applicant is seeking withdrawal of amount deposited by respondent/insurance company in this Court. Respondent/insurance company has deposited Rs.20,16,956/- which is inclusive of statutory deposits plus awarded amount.

2. Learned counsel for the applicant submits that he is in need of money and he did not receive any compensation. Due to the stay granted by this Court on 04.05.2016, applicant is unable to receive the awarded amount of compensation.

3. Learned counsel Mr. Bodade appearing for respondent/insurance company submits that it is a case of contributory negligence. Appellant/insurance company has good case on merits. The amount awarded by Tribunal is unreasonable and exorbitant.

4. Respondent/insurance company has challenged award dated 20.10.2015 for compensation of Rs.12,72,750/- with interest @ 9% p.a. from the date of filing of the petition till the date of depositing the amount. There is a delay in preferring appeal and a separate application is filed for condonation of delay. Respondent/insurance company deposited amount of Rs.20,16,956/- in pursuance of order dated 04.05.2016. It is desirable to permit the applicant to receive half of the amount deposited in this Court at this juncture. I, therefore, pass the following order :

ORDER

- (i) Civil Application is allowed partly.

- (ii) The applicant shall receive 50% of the amount of Rs.20,16,956/- deposited in this Court on furnishing undertaking stipulating regular conditions.
- (iii) Civil Application stands disposed of.

Civil Application No. 4323 of 2016

1. This application is for condonation of delay of 37 days.
2. I have heard both sides. Considering the explanation tendered in paragraph Nos.9 to 12, I find it fit to condone the delay.
3. Civil application is allowed in terms of prayer clause "B".
4. Office is directed to register first appeal.

(SHAILESH P. BRAHME, J.)

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vmk/-