



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

**915 CIVIL APPLICATION NO. 10857 OF 2025
IN FAST/13762/2025**

Mirabai Ambadas Wagh And Others

VERSUS

The New India Assurance Co Ltd Through Its Branch Manager

...

Mr. S. S. Dargad, Advocate for Applicants

Mr. M. D. Shinde, Advocate for Respondent

WITH

**CIVIL APPLICATION NO. 6312 OF 2025
IN FAST/13762/2025**

The New India Assurance Company Ltd Through Its Branch
Manager

VERSUS

Mirabai Ambadas Wagh And Ors

...

Mr. Manoj D. Shinde, Advocate for Applicant

Mr. S. S. Dargad, Advocate for Respondent Nos.1 to 6

WITH

**CIVIL APPLICATION NO. 6313 OF 2025
IN FAST/13762/2025**

The New India Assurance Company Ltd Through Its Branch
Manager

VERSUS

Mirabai Ambadas Wagh And Ors

...

Mr. Manoj D. Shinde, Advocate for Applicant

Mr. S. S. Dargad, Advocate for Respondent Nos.1 to 6

....

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 respondent strongly opposed the application.
4. Perused the application. For the reasons stated therein and considering the arguments of both the sides, it would be proper to partly allow the application. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicants are permitted to withdraw 75% 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.

APPLICATION FOR DELAY

1. Heard the learned Advocates for the parties.
2. This is an application for condonation of delay of 270 days caused in filing the first appeal.
3. The learned Advocate for respondent strongly opposed the application and submitted that there is no sufficient reason to condone the delay.
4. Perused the application. For the reasons stated therein, the application deserves to be allowed in the interest of justice as the delay is neither deliberate nor intentional. Hence the following order:

::ORDER::

- a. Civil Application is allowed and disposed of.
- b. The delay of 270 days caused in filing the first appeal is hereby condoned.

IN FIRST APPEAL

1. Issue notice to the respondents, returnable on 27.01.2026.
2. Mr. S. S. Dargad, learned Advocate waives service of notice for Respondent Nos.1 to 6.
3. Call for Record and Proceedings.

[SANJAY A. DESHMUKH, J.]

HRJadhav