



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

**914 CIVIL APPLICATION NO. 10488 OF 2025
IN FAST/13770/2025**

Kamalbhai Shamrao Jadhav And Others

VERSUS

The New India Assurance Co Ltd Through Its Branch Manager And
Others

...

Mr. S. S. Dargad, Advocate for Applicants

Mr. M. D. Shinde, Advocate for Respondents

WITH

**CIVIL APPLICATION NO. 6308 OF 2025
IN FAST/13770/2025**

The New India Assurance Company Ltd Through Its Branch
Manager

VERSUS

Kamalbhai Shamrao Jadhav And Ors

...

Mr. M. D. Shinde, Advocate for Applicant

Mr. S. S. Dargad, Advocate for Respondents

WITH

**CIVIL APPLICATION NO. 6309 OF 2025
IN FAST/13770/2025**

The New India Assurance Company Ltd Through Its Branch
Manager

VERSUS

Kamalbhai Shamrao Jadhav And Ors

...

Mr. M. D. Shinde, Advocate for Applicant

Mr. S. S. Dargad, Advocate for Respondents

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 respondent-Insurance Company strongly opposed the application and submitted that the offending vehicle was falsely shown as involved in the accident and that there was a delay in mentioning the name of the vehicle in the informant's statement. He also pointed out that the informant had not stated the vehicle number at the time of lodging the report. He therefore prayed to reject the application.

4. Perused the impugned judgment of the learned Tribunal. The Tribunal has considered the entire evidence on merits and concluded that the offending vehicle i.e., Swift Dzire car No. MH-14-FS-5231, had given dash to the deceased, resulting in the accident. Considering all these aspects, the application deserves to be allowed partly. 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. As per the Bailiff's report, respondent No.5 refused to accept the notice. Hence, respondent No.5 is deemed to have been duly served.
2. Heard learned Advocates for both parties.
3. This is an application for condonation of delay of 243 days caused in filing the first appeal.

4. Llearned Advocate for respondent Nos.1 to 4 strongly opposed the application and submitted that there is no sufficient reason to condone the delay.

5. 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 243 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 4.
3. Call for Record and Proceedings.

[SANJAY A. DESHMUKH, J.]