



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

**CIVIL APPLICATION NO. 10321 OF 2025
IN FAST/16691/2025**

Gahininath Sakharam Vayagudage Through His Next Friend His Wife
Saraswati Gahininath Vayagudage

VERSUS

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

...

Mr. S. S. Dargad, Advocate for Applicant

Mr. A. S. Usmanpurkar, Advocate for Respondent no.1

...

WITH

CIVIL APPLICATION NO. 6523 OF 2025 IN FAST/16691/2025

WITH

CIVIL APPLICATION NO. 6524 OF 2025 IN FAST/16691/2025

CORAM : SANJAY A. DESHMUKH, J.

DATED : 07th NOVEMBER, 2025

PER COURT :-

CIVIL APPLICATION NO. 10321 OF 2025

1. This is an application for withdrawal of amount under impugned judgment and award.
2. Perused the application. Heard learned Advocates for both the sides.
3. Learned Advocate for the respondent no.1 strongly objected the application and submitted that there is reasonable doubt as to the involvement of the vehicle alleged by which the accident took place. With this, he prayed to reject the application.

4. On perusal of the application and considering facts and circumstances of the case, it would be proper to allow the application partly. Hence, following order:

ORDER

- a. Civil Application is partly allowed.
- b. Applicant is permitted to withdraw 50 percent amount deposited in this Court alongwith interest accrued thereon.
- c. The said 50 percent amount alongwith interest accrued be transmitted to the M.A.C.T., Beed.
- d. Such withdrawal shall be subject to furnishing usual undertaking to the satisfaction of the Registrar/Superintendent, M.A.C.T. Beed.

CIVIL APPLICATION NO. 6523 OF 2025

. This is an application for condonation of delay of 42 days caused in filing present First Appeal.

2. Perused the application. Heard learned Advocates for both the sides.

3. Learned Advocate for respondents strongly opposed the application and submitted that delay is not properly explained.

4. Considering the reasons stated in the application and period of delay, Civil Application deserves to be allowed. Hence, following order:

ORDER

- a. Civil Application is allowed.
- b. Delay of 42 days caused in filing First Appeal is hereby condoned.
- c. Civil Application stands disposed of.

CIVIL APPLICATION NO. 6524 OF 2025

- . This is an application for grant of stay to the execution and operation of the impugned judgment and award.
2. Learned Advocate for the applicant submits that entire amount under impugned judgment and award has been deposited and seeks grant of stay to the execution and operation of the impugned judgment and award.
3. Considering the above reasons, the Civil Application is allowed in terms of prayer clause 'B' and disposed of.

FIRST APPEAL ST. NO.16691 OF 2025

- . Issue notice to the respondents, returnable on 05.12.2025. Learned Advocate Mr. S. S. Dargad waives service of notice for respondent no.1.

(SANJAY A. DESHMUKH, J.)