



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13632 OF 2025  
IN FAST/21114/2025

Sanny Dilip Barse And Anr

VERSUS

Suresh Murlidhar Dabhade

...

Mr. Shaikh Sohail Yusuf Jahagirdar, Advocate for Applicants

Mr. A. S. Usmanpurkar, Advocate for Respondent no.2

...

WITH

CIVIL APPLICATION NO. 8267 OF 2025 IN FAST/21114/2025

WITH

CIVIL APPLICATION NO. 8268 OF 2025 IN FAST/21114/2025

CORAM : SANJAY A. DESHMUKH, J.

DATED : 24<sup>th</sup> DECEMBER, 2025

PER COURT :-

CIVIL APPLICATION NO. 13632 OF 2025

1. This is an application for permission to withdraw the amount of compensation deposited in this Court as per the impugned judgment and award.

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

3. Learned Advocate for the respondent strongly opposed the application and submitted that after 35 days, the report is lodged. It is further contended that the Doctor who issued the permanent disability certificate in Form-B has not been examined. The Doctor has also not been examined to prove the permanent disability, nor have

the bills pertaining to medicines and medical treatment been proved. He therefore submitted to reject the application.

4. On perusal of the impugned judgment, it is crystal clear that the driver who was prosecuted for rash and negligent driving and held responsible for the occurrence of the vehicular accident has not lodged any complaint alleging false implication. In such circumstances, if the report was not lodged immediately and his statement was not recorded, his case cannot be held to be doubtful at this stage. It is a matter of the evidence and at the time of re-appreciation of the evidence if such fact is found, it can be considered, but at this stage when the claimants have incurred more than three lakhs for medical treatment, they are certainly entitled to withdraw 50% of the awarded amount. Hence, the following order:

#### **ORDER**

- a. Civil Application is partly allowed.
- b. Applicants are permitted to withdraw the 50% amount deposited in this Court alongwith interest accrued thereon upon furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

**CIVIL APPLICATION NO. 8267 OF 2025**

1. This is an application for permission to condone the delay of 84 days caused in filing the First Appeal.
2. Perused the application. Heard learned Advocates for both the sides.
3. Considering the reasons stated in the application and the days of delay i.e. 84 days, which was required for processing the appeal through the office head, it appears that the delay is not deliberately caused. Hence, the following order:

**ORDER**

- a. Civil Application is allowed.
- b. Delay of 84 days caused in filing the present First Appeal is hereby condoned.
- c. Civil Application stands disposed of.

**CIVIL APPLICATION NO. 8268 OF 2025**

1. This is an application for granting stay to the execution and operation of the impugned judgment and award.
2. Learned Advocate for the appellant submits that the entire amount as per the impugned judgment and award is deposited in this Court.
3. Considering the above fact, it would be proper to allow the application and is allowed in terms of prayer clause 'B'.
4. Civil Application stands disposed of.

**FIRST APPEAL ST. NO.21114 OF 2025**

. Issue notice to the respondents, returnable on 17.02.2026.

Learned Advocate Mr. Shaikh Sohail Yusuf Jahagirdar waives service of notice for respondent no.1.

2. Call Record and Proceedings.

**(SANJAY A. DESHMUKH, J.)**

*Rushikesh/2025*