



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

34 CIVIL APPLICATION NO. 13751 OF 2025
IN FAST/23339/2025

CHANDRASHEKHAR ARUN WAGHMARE SINCE DECEASED THROUGH
HIS LRS KALPANA CHANDRASHEKHAR WAGHMARE AND OTHERS
VERSUS
NEW INDIA ASSURANCE COMPANY LTD

...
Advocate for Applicants : Mr. Yogesh Damodhar Kale.
Advocate for Respondent No.1 : Mr. M. M. Ambhore.
...

WITH
CIVIL APPLICATION NO. 9214 OF 2025
IN FAST/23339/2025

NEW INDIA ASSURANCE COMPANY LTD
VERSUS
CHANDRASHEKHAR ARUN WAGHMARE DIED THR LRS KALPANA AND
OTHERS

...
Advocate for Applicant : Mr. Maroti Mahadu Ambhore.
Advocate for Respondent Nos.1 to 4 : Mr. Yogesh Damodhar Kale.
...

WITH
CIVIL APPLICATION NO. 9215 OF 2025
IN FAST/23339/2025
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 15th December, 2025.

P.C.:

1 Heard the learned counsel for the parties. Perused the applications.

Application for condonation of delay:

2 This is an application for condonation of delay of 46 days caused in filing the first appeal.

3 For the reasons stated in the application, the delay stands condoned. The application stands allowed in the interest of justice. Appeal be registered.

Application for stay:

4 This is an application seeking stay to the execution of the impugned judgment and award.

5 Considering the reasons stated in the application and also the fact that the applicant / appellant has already deposited the amount as per the impugned judgment and award in this Court, there shall be stay to the impugned judgment and award till the pendency of the appeal. The application stands disposed of.

Appeal:

6 Issue notice to the respondents, returnable on 2nd February, 2026. Mr. Y. D. Kale, learned counsel waives notice on behalf of respondent Nos.1 to 4.

7 Call for record and proceedings.

Application for withdrawal of amount:

8 This application is for withdrawal of the amount deposited by the appellant in this Court as per the impugned judgment and award.

9 The learned counsel for the appellant strongly opposes the application.

10 For the reasons stated in the application and considering the arguments of both the sides, the following order is passed :-

ORDER

- I. The applicants are permitted to withdraw 50% of the amount with accrued interest thereon deposited in this Court on furnishing usual undertaking. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. Since the learned counsel for the applicants submitted that the name of applicant No.2 is correctly mentioned in the civil application and that the name of applicant No.2 is not correctly mentioned in the impugned judgment and award, the Registry is directed to pay the amount to the claimants as mentioned in the civil application itself, irrespective of the names mentioned in the impugned judgment and award.
- III. With this, the civil application for withdrawal of amount stands disposed of.

[SANJAY A. DESHMUKH, J.]