



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 CIVIL APPLICATION NO. 9726 OF 2025
IN FAST/16794/2024
WITH
CIVIL APPLICATION NO. 6570 OF 2024
IN FAST/16794/2024
WITH
CIVIL APPLICATION NO. 6572 OF 2024
IN FAST/16794/2024

SAMBHAJI SHIVAJI JADHAV AND ANOTHER
VERSUS
RELIANCE GENERAL INSURANCE CO LTD

...

Mr. Kedar Ashok Pathade, Advocate for Applicants
Mr. A. S. Usmanpurkar, Advocate for Respondent No.1

...

CORAM : AJIT B. KADETHANKAR, J.
DATE : 10th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 6570 OF 2024

1. Being aggrieved by the judgment and award dated 07.11.2023, passed by the learned Member, Motor Accident Claims Tribunal, Aurangabad in M.A.C.P No.55 of 2019, the applicant has preferred present First Appeal.
2. The appeal is filed beyond limitation resulting into delay of 112 days.

3. Mr. Usmanpurkar, learned counsel for the applicant submits that delay has arisen due to administrative exigency in obtaining and transmitting necessary documents from the Trial Court, and arranging for the required court fees. He further submits that the appeal is merely on the point of quantum, service of notice to respondent Nos.3 and 4 may be dispensed with for the purpose of this application.

4. Mr. K. A. Pathade, learned counsel for the respondents strongly opposes the application for condonation of delay and submits that the same may be dismissed.

5. Heard both the parties.

6. I am satisfied with the reasons advanced by the applicants at para No.2 to 4 of the Civil Application explaining the delay. Hence I find that the Civil Application is fit to be allowed. Hence I pass the following order :-

ORDER

- a. Civil Application is allowed.
- b. The delay of 112 days caused in filing the First Appeal is hereby condoned.
- c. Registry to register the First Appeal subject to condition that the applicant shall remove all office objections within four weeks from today.

d. After registration, issue notice to the respondents. Mr. K. A. Pathade, learned Advocate waives service of notice for respondent Nos.1 and 2.

e. Civil Application stands disposed of.

CIVIL APPLICATION NO. 6572 OF 2024

1. As the Applicant has complied with the condition imposed by this Court while granting stay to the impugned judgment and award in the present appeal, stay granted earlier is made absolute.

2. Civil Application is allowed in terms of prayer clause "B".

3. Civil Application stands disposed of.

CIVIL APPLICATION NO. 9726 OF 2025

1. This Civil Application is filed by the applicants for withdrawal of the amount deposited by the respondent/Insurance Company in this Court pursuant to the judgment and award dated 07.11.2023 passed by the learned Member, Motor Accident Claims Tribunal, Aurangabad in M.A.C.P. No.55 of 2019, thereby directing respondent Nos.1 to 3 to pay Rs.31,45,000/- jointly or severally, with interest at the rate of 7 percent per annum from the date of petition till its realization, to the present applicants.

2. Judgment and award (supra) is assailed by the

respondent/Insurance Company in the present appeal on the point of quantum.

3. However, the respondent/Insurance Company vehemently opposes the application on the ground that valuable rights of the respondent/Insurance Company are involved in the main appeal. That, if the deposited amount is allowed to be withdrawn, the very purpose of filing the appeal itself would stand frustrated.

4. Upon having heard the parties, I am of the considered view that today, the award stands in favour of the applicants. Entitlement of the applicants to receive the award compensation, as well as ascertainment of the quantum has been adjudicated by the learned Tribunal upon examining the facts and scrutinizing the evidence.

5. In the circumstances, in my considered view, the interest of both the parties can be secured by permitting the applicants to withdraw the amount as ordered below by imposing certain rider. Hence, following order :-

ORDER

- a. Civil Application is partly allowed.
- b. The applicant is permitted to withdraw 50 percent

amount on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25 percent on furnishing solvent surety/security, to the satisfaction of the learned Registrar (Judicial) of this Court.

c. Needless to mention that the permitted withdrawal shall be together with the interest accrued thereon.

d. Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]