



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

**57 CIVIL APPLICATION NO. 4193 OF 2026
IN FAST/25953/2025**

Sangoji So Gangadhar Panchal

VERSUS

Cholamandalam Ms General Insurance Company Ltd

...

Mr. Avinash Hande, Advocate for Applicant

Mr. A. S. Usmanpurkar, Advocate for Respondent

WITH

**CIVIL APPLICATION NO. 10761 OF 2025
IN FAST/25953/2025**

Cholamandalam Ms General Insurance Co Ltd

VERSUS

Sangoji Gangadhar Panchal And Others

...

Mr. A. S. Usmanpurkar, Advocate for Applicant

Mr. Avinash Hande, Advocate for Respondent Nos.1 to 5

WITH

**CIVIL APPLICATION NO. 10760 OF 2025
IN FAST/25953/2025**

Cholamandalam Ms General Insurance Co Ltd

VERSUS

Sangoji Gangadhar Panchal And Others

...

Mr. A. S. Usmanpurkar, Advocate for Applicant

Mr. Avinash Hande, Advocate for Respondent Nos.1 to 5

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 04.05.2026

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 liability/risk of the deceased, who was a pillion rider on the motorcycle, is not covered under the insurance policy in question. He therefore prayed to reject the application.

4. Perused the application and the impugned judgment. The issue, being of a factual nature, is to be decided on merits. Therefore, the application deserves to be partly allowed to the extent of 50%

only. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicant/s is/are permitted to withdraw 50% of the amount out of the amount deposited by the appellant in this court, with accrued interest thereon, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

APPLICATION FOR DELAY

1. Heard the learned Advocates for the parties.
2. This is an application for condonation of delay of 45 days caused in filing the first appeal.
3. The learned Advocate for respondent strongly opposed the application and submitted that there is no sufficient reason to condone the delay.
4. 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 45 days caused in filing the first appeal is condoned.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 01.07.2026. Mr. Avinash Hande, learned Advocate waives service of notice for Respondent Nos.1 to 5.
2. Call Record and Proceedings.

[SANJAY A. DESHMUKH, J.]

HRJadhav