



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

**958 CIVIL APPLICATION NO. 439 OF 2026
IN FAST/30018/2025**

Yadav Rama Gandal

VERSUS

The Manager Go Digit General Insurance Co Ltd

...

Mr. Pradip S. Jadhav h/for Mr. Vijay Prabhakar Latange, Advocate
for Applicant

Mr. M. R. Deshmukh, Advocate for respondent No.1

WITH

**CIVIL APPLICATION NO. 11311 OF 2025
IN FAST/30018/2025**

The Manager Go Digit General Insu Co Ltd

VERSUS

Yadav Rama Gandal And Others

...

Mr. Deshmukh Mohit Rameshrao, Advocate for Applicant

Mr. Pradip S. Jadhav h/for Mr. Vijay Prabhakar Latange, Advocate
for respondent nos.1 to 3

Mr. N. C. Garud, Advocate for respondent Nos.4 and 5

WITH

**CIVIL APPLICATION NO. 11312 OF 2025
IN FAST/30018/2025**

The Manager Go Digit General Insu Co Ltd

VERSUS

Yadav Rama Gandal And Others

...

Mr. Deshmukh Mohit Rameshrao, Advocate for Applicant

Mr. Pradip S. Jadhav h/for Mr. Vijay Prabhakar Latange, Advocate
for respondent nos.1 to 3

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 10.02.2026

PER COURT :-

CIVIL APPLICATION NO. 11312 OF 2025

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, there shall be stay to the impugned judgment and award till the pendency of the appeal. The application is disposed of.

CIVIL APPLICATION NO. 439 OF 2026

1. This is an application seeking permission to withdraw the amount deposited in this Court pursuant to the award.
2. Heard.
3. Learned advocate for Respondent-Insurance Company strongly opposed the application and submitted that the deceased was travelling on the mudguard of the tractor, fell down and died. He further submitted that such a passenger/labourer is not covered under the insurance policy, as the Insurance Company had covered

the risk of only the driver of the tractor. Therefore, the claimant is not entitled for the compensation. In support of his submissions, he relied upon the following authorities:

- a. ***New India Assurance Company Ltd. Vs. Diwakar S/o Daulatrao Rohankar 2005 (4) Mh. L.J 773.***
- b. ***United India Assurance Co. Ltd. Vs. Laila Ayyub Sayyad & Ors, 2017 STPL 1453 Bombay.***

4. Perused the application. For the reasons stated therein and considering the arguments of both the sides, it would be proper to partly allow the application. Hence, the following order:

::ORDER::

- a. The application is partly allowed.
- b. The applicant is 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.

CIVIL APPLICATION NO. 11311 OF 2025

1. Heard.
2. This is an application for condonation of delay of 53 days caused in filing the first appeal.

3. The learned Advocate for respondents 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.
- b. The delay of 53 days caused in filing the first appeal is condoned.
- c. The application is disposed of.

FIRST APPEAL

1. Admit.
2. Call Record and Proceedings.
3. Stand over to 05.05.2026.

[SANJAY A. DESHMUKH, J.]

HRJadhav