



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

**56 CIVIL APPLICATION NO. 4134 OF 2026
IN FAST/32242/2025**

Vaishali Wo Dattatray Panchal

VERSUS

National Insurance Co Ltd

...

Mr. Avinash Hande, Advocate for Applicant

Mr. A. S. Usmanpurkar, Advocate for Respondent No.1

WITH

**CIVIL APPLICATION NO. 12067 OF 2025
IN FAST/32242/2025**

National Insurance Co Ltd Through Manager Authorized Signatory

VERSUS

Vaishali Dattatray Panchal And Others.

...

Mr. A. S. Usmanpurkar, Advocate for Applicant

Mr. Avinash Hande, Advocate for Respondent Nos.1 to 3

WITH

**CIVIL APPLICATION NO. 12068 OF 2025
IN FAST/32242/2025**

National Insurance Co Ltd Through Manager Authorized Signatory

VERSUS

Vaishali Dattatray Panchal And Others.

...

Mr. A. S. Usmanpurkar, Advocate for Applicant

Mr. Avinash Hande, Advocate for Respondent Nos.1 to 3

....

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 there was a delay of 7 days in lodging the report. Therefore, he prayed to reject the application.

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/s is/are permitted to withdraw 25% 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. Further 25% of the amount with accrued interest thereon is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. The Registry is directed not to insist on the actual valuation of the property through Revenue Officers for the purpose of submitting surety/security.

APPLICATION FOR DELAY

1. Heard the learned Advocates for the parties.
2. This is an application for condonation of delay of 40 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 40 days caused in filing the first appeal is condoned.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 06.07.2026.
2. Mr. Avinash Hande, learned Advocate waives service of notice for Respondent Nos.1 to 3.

[SANJAY A. DESHMUKH, J.]

HRJadhav