



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

**38 CIVIL APPLICATION NO. 4129 OF 2026
IN FAST/32152/2025**

Vaishali W/o Dattatray Panchal
VERSUS
National Insurance Co Ltd

...

Mr. Avinash Hande, Advocate for Applicant
Mr. A. S. Usmanpurkar, Advocate for Respondent

**WITH
CIVIL APPLICATION NO. 12070 OF 2025
IN FAST/32152/2025**

National Insurance Co Ltd Through Manager Authorized Signatory
VERSUS
Vaishali Dattatray Panchal And Others.

...

Mr. A. S. Usmanpurkar, Advocate for Applicant
Mr. Avinash D. Hande, Advocate for Respondent No.1

**WITH
CIVIL APPLICATION NO. 12069 OF 2025
IN FAST/32152/2025**

National Insurance Co Ltd Through Manager Authorized Signatory
VERSUS
Vaishali Dattatray Panchal And Others.

...

Mr. A. S. Usmanpurkar, Advocate for Applicant
Mr. Avinash D. Hande, Advocate for Respondent No.1

....

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 seven days in lodging the report, and the involvement of the offending vehicle is also doubtful. 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 is permitted to withdraw 75% 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 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 13.07.2026.
2. Mr. Avinash Hande, learned Advocate waives service of notice for Respondent No.1.

[SANJAY A. DESHMUKH, J.]

HRJadhav