



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

937 CIVIL APPLICATION NO. 1407 OF 2026
IN FAST/36248/2025

RAJVIR S/O PARMESHWAR BHOSALE AND ANOTHER
VERSUS
THE NEW INDIA ASSURANCE COMPANY LTD

...
Advocate for Applicant : Mr. Sushant Choudhari.
Advocate for Respondent No.1 : Mr. M. R. Deshmukh.
...

WITH
CIVIL APPLICATION NO. 13556 OF 2025
IN FAST/36248/2025

WITH
CIVIL APPLICATION NO. 13557 OF 2025
IN FAST/36248/2025
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 03rd February, 2026.

P.C.:

1 Heard the learned counsel for the parties. Perused the applications.

Application for condonation of delay:

2 This is an application for condonation of delay of 24 days caused in filing the first appeal.

3 For the reasons stated in the application, the delay stands condoned. The application stands allowed in the interest of justice. Appeal be registered.

Application for stay:

4 This is an application seeking stay to the execution of the impugned judgment and award.

5 The learned counsel for the applicant / appellant submits that the entire amount as per the impugned judgment and award is deposited in this Court.

6 In view of the above, there shall be stay to the impugned judgment and award till the pendency of the appeal. The application stands disposed of.

Appeal:

7 Issue notice to respondents. Mr. Sushant Choudhari, learned counsel waives notice on behalf of respondent Nos.1 and 2.

8 Call for record and proceedings.

9 Stand over to 1st April, 2026.

Application for withdrawal of amount:

10 This application is for withdrawal of the amount deposited by the appellant in this Court as per the impugned judgment and award.

11 The learned counsel for the appellant strongly opposes the application and submits that two claims arise out of one and the same

accident, however, in both the claims, two different Motor Accident Claim Tribunals held that both the claimants were pillion riders. He submits that there was no valid driving licence and the deduction towards the personal expenditure is not properly determined. It has been determined to the extent of $\frac{1}{3}^{\text{rd}}$, instead of $\frac{1}{2}$. He submits to reject the application.

12 For the reasons stated in the application and considering the arguments of both the sides, the following order is passed :-

ORDER

- I. The applicants 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. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. Out of the fixed deposit amount in the name of the minor claimant No.1, the Registry is directed to pay quarterly interest to the guardian of said minor i.e. claimant No.2, till the disposal of the appeal.
- III. With this, the civil application for withdrawal of amount stands disposed of.

[SANJAY A. DESHMUKH, J.]