



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

**936 CIVIL APPLICATION NO. 1872 OF 2026
IN FAST/38702/2023**

Sunandabai Ashok Patil

VERSUS

Tata Aig General Insurance Com Ltd

...

Mr. Pramod Mayure C, Advocate for Applicant

Mr. Rohit H. Dahat, Advocate for Respondent No.1

WITH

CIVIL APPLICATION NO. 706 OF 2024

IN FAST/38702/2023 WITH

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....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 24.02.2026

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 respondent-Insurance Company strongly opposed the application. He submitted that the claimant's father, who died in the vehicular accident, was a gratuitous passenger and was not covered under the insurance policy. He submitted that the learned Tribunal while deciding the claim erred in awarding amount of compensation. He, therefore, 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 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 learned Advocates for both sides.
2. This is an application for condonation of delay of 25 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 25 days caused in filing the first appeal is condoned.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 16.06.2026.
2. Mr. Pramod C. Mayure, learned Advocate waives service of notice for Respondent No.1.
3. Call R & P

[SANJAY A. DESHMUKH, J.]

HRJadhav