



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

**44 CIVIL APPLICATION NO. 5251 OF 2026
IN FAST/33028/2025**

Sham Suryabhan Tarwade

VERSUS

The New India Insurance Company Ltd

...

Mr. Mahesh Kale, Advocate for Applicant

Mr. S. S. Rathi, Advocate for Respondent

WITH

**CIVIL APPLICATION NO. 12546 OF 2025
IN FAST/33028/2025**

The New India Assurance Co Ltd

VERSUS

Sham Suryabhan Tarvade, And Another

...

Mr. Swapnil Satyanarayan Rathi, Advocate for Applicant

Mr. Mahesh P. Kale, Advocate for Respondent No.1

WITH

**CIVIL APPLICATION NO. 12547 OF 2025
IN FAST/33028/2025**

The New India Assurance Co Ltd

VERSUS

Sham Suryabhan Tarvade, And Another

...

Mr. Swapnil Satyanarayan Rathi, Advocate for Applicant

Mr. Mahesh P. Kale, 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.

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 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 the learned Advocates for the parties.
2. This is an application for condonation of delay of 89 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 89 days caused in filing the first appeal is condoned.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 13.07.2026. Mr. Mahesh Kale, learned Advocate waives service of notice for Respondents.

2. Call Record and Proceedings.

[SANJAY A. DESHMUKH, J.]

HRJadhav