



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

943 CIVIL APPLICATION NO. 5356 OF 2026
IN FAST/26877/2025

SHAMIM BEGUM W/O MOHAMMAD GOUS
VERSUS
CHOLAMANDALAM MS GENERAL INSURANCE CO LTD

...
Advocate for Applicant : Mr. Hamzakhan Ismailkhan Pathan
Advocate for Respondent : Mr. Anand Dale, h/f Mr. S. S. Rathi.

...

WITH
CIVIL APPLICATION NO. 10853 OF 2025
IN FAST/26877/2025

WITH
CIVIL APPLICATION NO. 10852 OF 2025
IN FAST/26877/2025

...

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

DATE : 05th May, 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 147 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 the respondents, returnable on 14th July, 2026. Mr. H. I. Pathan, learned counsel waives notice on behalf of respondent Nos.2 to 8.

8 Call for record and proceedings.

Application for withdrawal of amount:

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

10 The learned counsel for the appellant strongly opposed the application on the ground that the involvement of the offending vehicle

is doubtful and a huge amount of compensation has been awarded to the claimants.

11 On perusal of the application alongwith the impugned judgment, and considering the peculiar facts of the case as well as the arguments of both the sides, the following order is passed: :-

ORDER

- I. 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. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.
- II. With this, the civil application for withdrawal of amount stands disposed of.

[SANJAY A. DESHMUKH, J.]