



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CIVIL APPLICATION (CAF) NO. 873 OF 2026
IN

FIRST APPEAL (ST) NO. 24548 OF 2025

The New India Assurance Co. Ltd.

Vs.

Nirbhay Harichandra Bhaisare and other

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Sneha Padwekar h/f. Ms. S. H. Bhatia, Advocate for appellant.
Shri Kunal P. Mirache, Advocate for respondent nos. 1 to 3.

CORAM :- Y. G. KHOBRAGADE, J.

DATED :- 06.05.2026

Heard the learned counsel appearing for the respective parties.

2. Despite service, none appears on behalf of respondent no. 4.

3. By this application, the appellant- insurance company seeking condonation of delay of 57 days caused while lodging the appeal against the judgment and award dated 02.05.2025 passed in MACP No. 531/2020 by the Member, Motor Accident Claims Tribunal, Nagpur.

4. Considering the submission of the both the parties, I am of the view that the appellant has sufficiently and bonafidely explained the delay of 57 days caused while

lodging the appeal. Therefore, the application is allowed and the said delay is hereby condoned.

5. The office to register the First Appeal and place before the Court on 17.06.2026.

CIVIL APPLICATION (CAF) NO. 874/2026

6. In pursuance of the order dated 11.02.2026 passed in Civil Application No. 874/2026, the appellant-insurance company has deposited the claim amount. Therefore, the *ad-interim* stay granted on 11.02.2026 shall remain in operation during the pendency of the appeal.

7. The application stands disposed of.

CIVIL APPLICATION (CAF) NO. 2115/2026

8. Heard the learned counsel for the respective parties.

9. By the present application, respondent nos. 2 and 3 seek permission to withdraw the entire amount of compensation awarded under the judgment and award dated 02.05.2025 passed in MACP No. 531/2020 by the Member, Motor Accident Claims Tribunal, Nagpur.

10. The learned counsel appearing for the appellant strongly opposed the application on the ground that if respondent nos. 2 and 3 are permitted to withdraw the entire amount of compensation then in the event it would be difficult to recover the same if the impugned award is reversed or set aside.

11. Considering the nature of claim as well to meet financial crises, respondent nos. 2 and 3 are permitted to withdraw 50% of the compensation amount on furnishing usual undertaking and 25% of the compensation amount on furnishing surety along with accrued interest to the satisfaction of the Registrar (Judicial) of this Court.

12. Accordingly, the application is disposed of.

(Y. G. KHOBRAGADE, J.)