



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

938 CIVIL APPLICATION NO. 2895 OF 2024  
IN FA/1237/2024

SK. AHMED SK. HYDER

VERSUS

THE ORIENTAL INSURANCE CO. LTD., THR ITS DIVISIONAL MANAGER,  
NANDED

...

Mr. Taher Ali Quadri, Advocate for Applicant

Mr. D. P. Deshpande, Advocate for Respondent

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 26.09.2025

**PER COURT :-**

1. Mr. Deshpande, learned counsel for the respondent/Insurance Company, fairly submits that the connected First Appeal No.1325 of 2024 which arises out of the same accident that is the subject matter of the present appeal is filed on the issues of quantum and negligence of the driver. He further submits that in First Appeal No.1325 of 2024 the claimant was the driver of the vehicle involved in the accident, and hence the question of negligence has been raised in that appeal. However, in the present matter, the applicant was merely an occupant in the other vehicle. Taking into account (i) the deposit made by the Insurance Company, and (ii) the objection raised by the Insurance Company in the appeal, I deem it appropriate to pass the

following order :-

**ORDER**

- a. Civil Application is allowed.
- b. Applicant is permitted to withdraw the amount deposited by the Insurance Company in this Court together with interest accrued thereon on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Civil Application stands disposed of.

**FA/1237/2024**

1. Heard.
2. **Admit.**
3. Mr. Quadri, learned counsel waives service of notice for respondent no.1.
4. Call Record and Proceeding.
5. In the meantime, applicant/appellant shall take recourse to the provisions enumerated in Chapter II of the Bombay High Court Appellate Side Rules, corresponding to the stage and requirement of matter.
6. List this matter along with First Appeal No.1325 of 2024.

**[AJIT B. KADETHANKAR, J.]**