



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO. 2880 OF 2024 (Withdrawal)
IN FA/1235/2024

SK. KALIM HUSSAIN SAB

VERSUS

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

...

Mr. Taher Ali Quadri, Advocate for Applicant

Mr. D. P. Deshpande, Advocate for Respondent No.1

...

CORAM : AJIT B. KADETHANKAR, J.

DATE : 26.09.2025

PER COURT :-

1. Feeling aggrieved by the judgment and order dated 28.06.2017, passed by the learned District Judge and Ex-Officio Member of Motor Accident Claims Tribunal, Nanded, in M.A.C.P No.328 of 2014, the appellant/Insurance Company has preferred this First Appeal.

2. Mr. Deshpande, learned counsel for respondent no.1 fairly submits that the appeal raises on the point of apportionment of negligence as also on quantum consequently. It is a matter of fact that the Insurance Company has deposited entire awarded amount in this Court together with interest.

3. Mr. Quadri, learned counsel for the applicant prays for permission

to withdraw the deposited amount together with accrued interest.

4. Upon hearing the parties, I find that today the award stands in favour of the applicant. The entitlement of the applicant is decided by the learned Tribunal after assessing the evidence on record and also the defence that was raised by the Insurance Company in the trial. Today the award amount is pending in the bank and it is in nobody's interest that the amount kept idle in the bank. Moreover, looking to the grounds raised by the Insurance Company in the appeal i.e. quantum, I deem it appropriate to pass the following order :-

ORDER

- a. Civil Application is partly allowed.
- b. Applicant is permitted to withdraw 50% of the deposited amount together with accrued interest thereon on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Remaining amount be kept in fixed deposit.
- d. Civil Application stands disposed of.

[AJIT B. KADETHANKAR, J.]