



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

911 CIVIL APPLICATION NO. 1086 OF 2025
IN FA/3504/2025

SHAKILABEE AYYUBKHA PATHAN AND ORS
VERSUS
KUMAR SHANU MEENA RANGLAL MEENA

...
Advocate for Applicant : Mr. Ravindra Vitthal Gore.

Advocate for Respondent : Mr. Vikram Sahebrao Kadam.
...

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

DATE : 09th January, 2026.

P.C.:

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

2 Perused the application. Heard the learned counsel for the parties.

3 The learned counsel for the appellant strongly opposes the application. He submits that the accident occurred due to contributory negligence on the part of deceased Ayyubkha, who was riding the motorcycle. He further submits that if the contributory negligence is considered, then the applicants have no case at all to claim the compensation.

4 Perused the application, impugned judgment and the grounds raised in the appeal as well as the application.

5 For the reasons stated in the application and considering the peculiar set of facts of this case as well as the arguments of both the sides, the following order is passed :-

ORDER

- I. The application is partly allowed.
- II. The applicants are permitted to withdraw 25% of the amount with accrued interest thereon deposited in this Court on furnishing usual undertaking. Further 25% of the amount with accrued interest thereon is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.
- III. The Registry is directed to not to insist for the actual valuation of the property of the surety.
- IV. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

Appeal:

- 6 Call for record and proceedings.

[SANJAY A. DESHMUKH, J.]