



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

937 CIVIL APPLICATION NO. 892 OF 2026
IN FA/1887/2025

ANANT JAGANATH ZUNJARE AND OTHERS
VERSUS
ISAK MUBARAK SHAIKH AND OTHERS

...
Advocate for Applicants : Mr. Ram Shivajirao Shinde.
Advocate for Respondent No.2 : Mr. Pradeepkumar R. Tandale.

...

WITH
CIVIL APPLICATION NO. 3861 OF 2025
IN FA/1887/2025

...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 06th February, 2026.

P.C.:

1 Heard the learned counsel for the parties. Perused the applications.

Application for stay:

2 This is an application seeking stay to the execution of the impugned judgment and award.

3 The learned counsel for the applicant / appellant submits that the entire amount as per the impugned judgment and award is deposited in this Court.

4 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.

Application for withdrawal of amount:

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

6 The learned counsel for the appellant strongly opposed the application and submitted that the appellant is not liable to pay the compensation. He submitted that the contractor is liable to pay the compensation, who has not insured the offending vehicle. He has relied upon the judgment of the Honourable Supreme Court in the case of ***Vaibhav Jain Vs. Hindustan Motors Pvt. Ltd., MANU/SC/0968/2024***, in which it is held that, “owner” means, where the person, in possession of a motor vehicle is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire purchase agreement, the person in possession of the vehicle under that agreement.

7 The learned counsel for the appellant further submitted that the appellant is not liable and the person in possession of the vehicle is supposed to be the owner, as per the said judgment. He therefore, submitted to reject the application.

8 On perusal of the impugned judgment and award and for the reasons stated in the application as well as considering the arguments of both the sides, the following order is passed :-

ORDER

- I. The applicants are 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. If the appeal is not decided within one year, the claimants are at liberty to file an application for withdrawal of the remaining amount.
- III. With this, the present civil application for withdrawal of amount stands disposed of.

[SANJAY A. DESHMUKH, J.]

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