

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4461 OF 2016

IN

FIRST APPEAL NO. 1206 OF 2016

Rafique Abdul Malik Tejani	...Applicant
<i>In the matter between</i>	
The Oriental Insurance Company Ltd.	...Appellant
<i>Versus</i>	
Rafique Abdul Malik Tejani and Ors.	...Respondents

Mr. A.S. Vidyarthi, a/w Mr. S.S. Vidyarthi & Ms. Divya Menon, for the Appellant.

Mr. P.N. Shah, for the Respondent No. 1.

CORAM : M.S. SONAK, J.
DATE : 4 April 2017

ORDER :

1. The Applicant i.e. the Decree-holder, is permitted to withdraw the entire decretal amount deposited by the Appellant before the City Civil Court upon furnishing of a bank guarantee, of the nationalised bank to the satisfaction of the Executing Court. The bank guarantee to be kept alive till the disposal of this Appeal.

Further, Decree-holder to file an undertaking in this Court to the effect that in case, the Appeal is allowed, the Decree-holder will pay interest upon the amount, as may be determined by this Court.

2. In case, the Decree-holder does not come forward to withdraw the amount within two months from today, the executing Court, to invest the said amount in a nationalised bank.

3. Civil Application No. 4461 of 2016 is disposed of.

[M.S. SONAK, J.]