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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 2255 OF 2018
IN
FIRST APPEAL NO. 771 OF 2010

M/s Eagle Flask Industries Ltd. ...Applicant
In the matter between
United India Insurance Co. Ltd. ...Appellant.
vs
M/s Eagle Flask Industries Ltd. ...Respondent.

.....
Mr Mayur Joglekar I/b D.J.Bhanage for the Applicant.
Mrs Ruchika Dave I/b S.S.Vidyarthi for the Respondent.

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CORAM : K.K.TATED, &
B.P.COLABAWALLA, JJ.
JULY 17, 2018.

P.C. :

Heard learned counsel for parties.

2 This application is for withdrawal of an amount of Rs.1,47,12,489/- deposited by the appellant - United India Insurance Co. in the Registry of this Court as per the order dated 22nd November, 2010 passed by this Court in Civil Application No. 2116 of 2010.

3 Mr Joglekar, learned counsel for the applicant submits that this Court finally decided First Appeal No. 771 of 2010 by the Judgment and Decree dated 11/24th January, 2018. He submits that as per his instructions, the appellant has not preferred any further appeal.

4 Learned counsel Mrs Dave for the appellant submits

that she do not have any instructions.

5 Learned counsel for the appellant submits that after the Judgment and Decree dated 11/24 January, 2018, United India Insurance Co. Ltd. deposited an amount of Rs.1,91,03,013/- in Trial Court. For that purpose he already made appropriate application for withdrawal. He submits that the applicant may be permitted to withdraw the sum of Rs.1,47,12,489/- deposited by the Insurance Company in the Registry of this Court with accrued interest, if any towards partly satisfaction of Decree.

6 Considering the submissions made by the learned counsel for the applicant and as the advocate for the Insurance Company has no instructions, and there is no any appeal preferred by the Insurance Company, we are satisfied that the applicant has made out a case for allowing him to withdraw the amount lying in the Registry of this Court. Hence, the order.

- (a) The applicant is permitted to withdraw the sum of Rs.1,47,12,489/- with accrued interest, if any without furnishing any security towards satisfaction of the Judgment and Decree;
- (b) Liberty granted to the applicant to take appropriate steps, if she desire, for recovery of the deficit amount, if any;
- (c) The Civil Application stands disposed of accordingly;
- (d) No order as to costs.

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)