

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1515/2019
IN
First Appeal No. 980/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mrs. Harshada Rane for the Applicant
Mr. Kedar P. Lad for the Respondent

CORAM : K.K.TATED, J.
DATED : APRIL 25, 2019

P.C.

Heard. By this Civil Application, the Applicant seeks permission to withdraw the amount deposited by the Appellant Insurance Co. as per the impugned judgment and award dated 17.9.2016 passed by the MACT, Kolhapur in MACP No.166/2014.

2 The learned counsel for the Applicant submits that there is a marriage of Applicant No.2 in the month of May 2019. He submits that the Applicant No.1 has no source of income and Applicant No.4 and 5 are senior citizen. He submits that the Applicants are ready and willing to provide the bank guarantee of any Nationalized

Bank for withdrawal of the amount as per their respective share. He submits that the bank guarantee will remain in force till hearing and final disposal of the first appeal.

3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Considering the submissions made by the learned counsel for the Applicant and as the Applicants are ready and willing to provide bank guarantee for withdrawal of the amount which will continue till hearing and final disposal of the first appeal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, the following order is passed:

a. The respective Applicants/claimants are permitted to withdraw the amount deposited by the Insurance Co. as per their share declared by the Tribunal by the impugned award, by providing bank guarantee of any Nationalized Bank on or

before 29.06.2019 and by filing an undertaking before the Trial Court that they will continue the same till hearing and final disposal of the first appeal.

b. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)