IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1001 OF 2019
IN
FIRST APPEAL NO.1646 OF 2019

Kamalabai Popat Aher & Ors. .. Applicants

In the matter between
The New India Assurance Co. Ltd. .. Appellant
Vs.
Kamalabai Popat Aher & Ors. .. Respondents

Mr.Pritesh K. Bohade for the applicants/orig.respondent nos.1 to 4.
Ms.Shalini Shankar for the appellant.

CORAM : R.D.DHANUKA, J.
DATE : 2nd December 2019

P.C.:

. Heard learned counsel for the parties and I have perused the findings recorded by the MACT, Nashik.

2. In my view, interest of justice would be met with if the the applicants are allowed to withdraw 50% amount deposited by the respondents with the MACT, Nashik as per following terms and conditions :-

ORDER

(i) The applicants (original claimants) are permitted to withdraw 50% of the amount deposited by the appellant with concerned MACT, at this stage, upon furnishing an undertaking before concerned MACT within four weeks from the date of communication of the order of deposit to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. Copy of the undertaking shall be served upon the learned advocate appearing for the appellant within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

(ii) It is made clear that if the undertaking is not furnished within four weeks from the date of communication of the order of deposit, the order passed by this Court allowing the applicants to withdraw 50% of the amount deposited by the appellant to stand vacated without further reference to the Court. In that event, the concerned MACT shall invest the said amount in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the first appeal.

(iii) The concerned MACT is directed to invest the balance 50% of the amount in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the first appeal.

3. Civil application is disposed of on aforesaid terms. Parties as well as the concerned MACT to act on the authenticated copy of this order.

R.D.DHANUKA, J.