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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1240 OF 2019
IN
FIRST APPEAL (STAMP) NO.412 OF 2019

Rajmani K. Sharma ...Applicant

IN THE MATTER BETWEEN :

Bajaj Allianz General Insurance Co. Ltd. ...Appellant

V/s.
Rajmani K. Sharma & Anr. ...Respondents

Mr.T.J. Mendon for the Applicant / Respondent No.1.

Mr.Sarthak S. Diwan for the Appellant.

CORAM : R.D. DHANUKA, J.
DATE : 10TH DECEMBER, 2019.

P.C. :-

1. By this application, the applicant seeks withdrawal of the amount deposited by the appellant. There is delay in filing the first appeal. Separate application for condonation of delay in filing the first appeal bearing No.326 of 2019 is pending before this Court.

2. The appellant has already deposit the entire decretal amount with the Commissioner under Employee's Compensation & Judge, First Labour Court, Mumbai. After considering the averments made in the civil application, in my view the interest of justice would be met with if the applicant is allowed to withdraw 50% of the amount deposited by the appellant with the Commissioner under Employee's Compensation & Judge, First Labour Court, Mumbai upon furnishing

an undertaking before with the Commissioner under Employee's Compensation & Judge, First Labour Court, Mumbai to the effect that if the applicant fail in this first appeal, he will return the amount with interest at such rate as may be directed by this Court at the time of disposal of the first appeal. Such undertaking shall be filed within three weeks from the date of communication of this order.

3. If the applicant does not file an undertaking within the aforesaid period, the entire amount deposited by the appellant shall be invested by the Commissioner under Employee's Compensation & Judge, First Labour Court, Mumbai, if so far not invested in the fixed deposit of a nationalized bank initially for a period of three years and thereafter for like period after obtaining further order from this Court. If 50% amount is withdrawn by the applicant, the balance amount shall be invested by the learned Commissioner under Employee's Compensation & Judge, First Labour Court, Mumbai in the manner and mode described above.

4. The civil application is disposed of on aforesaid terms. There shall be no order as to costs. Parties as well as the learned Commissioner under Employee's Compensation & Judge, First Labour Court, Mumbai to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)