

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 2189 OF 2019****IN****FIRST APPEAL NO. 760 OF 2019****Tulshiram Chandar Mokashi****..... Applicant****IN THE MATTER OF****Reliance General Insurance Company Limited Appellant****VERSUS****Tulshiram Chandar Mokashi & Anr.****..... Respondents**

Mr.Nikhil Mehta, a/w. Mr.Rahul Mehta, i/b. M/s.KMC Legal Venture
for het Appellant/Applicant.

Ms.Rina Kundu for the Respondents/Applicant in CAF/2189/2019.

CORAM : R.D. DHANUKA, J.**DATE : 28th NOVEMBER, 2019****P.C.**

By this civil application, the applicant seeks withdrawal of the amount deposited by the applicant.

2. By a separate order passed by this court in the first appeal, this court has dismissed the said first appeal. In view of the dismissal of the first appeal, the applicant would be at liberty to withdraw the entire amount deposited by the appellant before the M.A.C.T. on production of authenticated copy of this order.

3. If there is any shortfall in recovering the decretal amount, the applicant would be entitled to execute the decree for the balance

amount.

4. If there is any surplus amount, after making payment to the decretal amount to the applicant, the tribunal to refund the surplus to the appellant.

5. The parties as well as the concerned M.A.C.T. to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]