<u>IN THE HIGH COURT OF JUDICATURE AT BOMBAY</u>

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2632 OF 2019
IN
FIRST APPEAL (ST) NO. 12763 OF 2019

Reliance Gen Insurance Co. Ltd. ….. Applicant
VERSUS
Sudhir C. Dhawale & Anr. ..… Respondents

Ms.D.Shalini Shankar for the Appellant/Applicant in CAF/2631/2019 and CAF/2632/2019.

Mr.Niketan Nakhawa for the Respondent no.1 and for the Applicant in CAF/3848/2019.

CORAM : <u>R.D. DHANUKA, J.</u>

DATE : 9th DECEMBER, 2019

<u>P.C</u>.

Matter is on board and is mentioned out of turn.

2. Learned counsel for the applicant states that the respondent no.1 has already got attachment warrant issued against the applicant.

3. Learned counsel for the applicant on instruction undertakes that the applicant is ready and willing to deposit the entire decreetal amount awarded by the M.A.C.T., Mumbai in Motor Accident Claim Petition No. 465 of 2015 with interest to be computed upto the date of deposit before the M.A.C.T., Mumbai within four weeks from today if not already deposited. Undertaking is accepted. In view of the undertaking rendered by the learned counsel, there shall be interim relief in terms of prayer clause (a) of the civil application.

4. It is made clear that no further extension of time would be granted. If the amount is not deposited within the time prescribed, *interim* relief granted by this court to stand vacated without further

reference to court.

5. Upon such deposit, the respondent no.1 would be at liberty to withdraw 50% of the amount that would be deposited by the applicant at this stage upon the respondent no.1 filing an undertaking before the M.A.C.T., Mumbai within two weeks from the date of communication of factum of deposit of the amount by the applicant to the effect that if the respondent no.1 does not succeed in the first appeal, he would return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order.

6. It is made clear that if the undertaking is not rendered within the time prescribed with a copy to be served upon the applicant's advocate simultaneously, the amount deposited by the applicant shall be invested by the M.A.C.T. Mumbai 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.

7. The applicant is directed to convey this order to the respondent no.1 for compliance and information. The parties as well as the executing court to act on the authenticated copy of this order. M.A.C.T., Mumbai is directed to invest the balance 50% of the amount in the fixed deposit of a nationalized bank initially for a period of five years and for like period after obtaining further orders from this court.

8. Civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]