

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3743 OF 2018
IN
FIRST APPEAL (ST.) NO.17145 OF 2017**

Asha Tilakraj Oberoi & Anr. .. Applicants

In the matter between

The United India Insurance Co. Ltd. .. Appellant

Vs.

Asha Tilakraj Oberoi & Ors. .. Respondents

Mr.Sandeep Sharad Jinsiwale for the appellant.

Ms.Rina Kundu for the applicants/ orig. respondent nos.1 & 2.

CORAM : R.D.DHANUKA, J.

DATE : 16th December 2019

P.C.:

. By this application, the applicants seek withdrawal of the amount deposited by the appellant. I am inclined to accept the averments made in paragraphs 4 & 5 of the civil application.

2. The main grounds of appeal are relating to quantification of claim awarded by the Tribunal. In these circumstances, I am inclined to allow the applicants to withdraw 50% of the amount that is deposited by the appellant with MACT, Thane pursuant to the order dated 30th June 2017 passed by this Court at this stage, upon furnishing an undertaking before concerned MACT within four weeks from today to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as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 applicant within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

5. It is made clear that if the undertaking is not furnished within four weeks from today, 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 five years and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the first appeal.

6. 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 five years and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the first appeal.

7. Civil application is disposed of on aforesaid terms. No order as to costs. Parties as well as the concerned MACT to act on the authenticated copy of this order.

R.D.DHANUKA, J.