

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

**CIVIL APPLICATION NO. 373 OF 2019
IN
CIVIL APPLICATION NO. 1514 OF 2019
IN
FIRST APPEAL NO. 450 OF 2019**

Smt.Bayanabai Dinkar Gosavi & Ors. Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. Appellant

VERSUS

Smt.Bayanabai Dinkar Gosavi & Ors. Respondents

Mr.Kedar P. Lad for the Applicants/Org. Respondents.

Ms.Jyoti Bajapayee Pandey for the Appellant.

CORAM : R.D. DHANUKA, J.

DATE : 28th NOVEMBER, 2019

P.C.

By this civil application, the applicant seeks modification of the order dated 15th February, 2018 insofar as the liberty to withdraw 15% on furnishing the bank guarantee of a nationalized bank is concerned.

2. After hearing the learned counsel for the parties and considering the averments made in the civil application, I am inclined to permit the applicant nos. 1 and 2 to withdraw the said amount of 15% by furnishing an undertaking to the effect that if the appellant succeeds in the first appeal, the applicants would return the amount that would be withdrawn with interest at such rate as this court may direct by

subsequent order. Such undertaking shall be filed before the M.A.C.T. within two weeks from today.

3. Civil application is disposed of in the aforesaid terms.
4. Order dated 15th February, 2018 stands modified to this effect.
5. The parties as well as the Tribunal to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]