IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3325 OF 2019
IN
FIRST APPEAL NO. 1423 OF 2019

Shriram General Insurance Co. Ltd. ….. Applicant

VERSUS

Sudhir Narayan Abba & Anr. ….. Respondents

Mr.Abhay Arora for the Applicant.

Ms/Heena A. Hawalkar, i/b. Mr.Avinash M. Gokhale for the Respondent no.1.

CORAM : R.D. DHANUKA, J.

DATE : 25th NOVEMBER, 2019

P.C.

The papers are allowed to be produced at 03.00 p.m.

2. Learned counsel for the applicant on instruction undertakes that the applicant shall deposit the entire decreetal amount awarded by the M.A.C.T., Mumbai in Motor Accident Claim Petition No. 2510 of 2010 with interest to be computed upto the date of deposit before the M.A.C.T., Mumbai within four weeks from today. Undertaking is accepted. In view of the undertaking rendered by the learned counsel, there shall be *ad-interim* relief in terms of prayer clause (a) of the civil application.

3. It is made clear that no further extension of time would be granted. It is made clear that if the amount is not deposited within the time prescribed, *ad-interim* relief granted by this court to stand vacated

without further reference to court.

4. Upon such deposit, the respondent (original claimant) would be at liberty to withdraw 50% of the amount that would be deposited by the applicant upon the respondent filing an undertaking before the M.A.C.T., Mumbai within four weeks to the effect that if the respondent does not succeed in the first appeal, he would return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order.

5. It is made clear that if the undertaking is not rendered within four weeks from today 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.

6. The original applicant would be at liberty to withdraw the balance 50% amount upon furnishing the bank guarantee before the M.A.C.T., Mumbai which shall include interest at the rate of 7.5% per annum on the balance amount allowed to be withdrawn which bank guarantee shall be kept alive for a period of five years depending upon the pendency of the first appeal.

7. If the bank guarantee is not furnished by the original claimant within four weeks from today, the balance 50% amount shall be invested by the M.A.C.T., Mumbai in a fixed deposit of a nationalized bank initially for a period of five years and thereafter for a like period

after obtaining further orders from this court depending upon the pendency of the first appeal.

8. The applicant is directed to convey this order to the respondent (original claimant) for compliance and information.

9. The parties as well as the executing court to act on the authenticated copy of this order.

10. Civil application is allowed in terms of prayer clause (a). No order as to costs.

[R.D.DHANUKA, J.]