

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 3753 OF 2019****IN****FIRST APPEAL NO. 1655 OF 2019****Shweta Bibhishan Chavan****..... Applicant****IN THE MATTER BETWEEN****The Divisional Manager,****Bharti AXA General Insurance Company Ltd. Appellant****VERSUS****Shweta Bibhishan Chavan & Ors.****..... Respondents**

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

Mr.Rahul B. Vijaymane for the Respondents/Applicant in CAF/3753/2019.

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

In view of the separate order passed by this court dismissing the first appeal filed by the appellant separately, applicant is allowed to withdraw the entire amount that would be deposited by the appellant with the M.A.C.T., Solapur.

2. If there is shortfall in recovering decretal amount, the applicant would be at liberty to file an execution application for the recovery of the balance amount.

3. If there is any surplus amount, after making payment to the decreetal amount to the applicant, the tribunal to refund the surplus to the appellant.
4. The executing court to act on the authenticated copy of this order.
5. Civil application is disposed of on the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]