

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 3677 OF 2019****IN****FIRST APPEAL (ST) NO. 6405 OF 2018****Prakash Shrihari Jadahv****..... Applicant****IN THE MATTER OF****The New India Assurance Company Ltd.****..... Appellant****VERSUS****Prakash Shrihari Jadhav & Anr.****..... Respondents**

Mr.Amrin Khan, i/b. Mr.Avinash Gokhale for the Applicant in CAF/3677/2019/Original Respondent no.1.

Ms.Poonam Mital for the Applicants in CAF/3678/2019 and original Apepllant.

CORAM : R.D. DHANUKA, J.**DATE : 20th NOVEMBER, 2019****P.C.**

By this application, the applicant seeks withdrawal of the amount deposited by the respondent no.1 pursuant to the order dated 18th April,2018 passed by this court. Considering the facts of this case and in view of the *prima facie* findings rendered by the tribunal in favour of the applicant, I am inclined to allow the applicant to withdraw 50% of the amount deposited by the respondent no.1 with the M.A.C.T. upon furnishing an undertaking to be filed before the M.A.C.T. to the effect that if the applicant does not succeed in the first appeal filed by the appellant, the applicant would return the entire amount with interest as this court may direct while hearing the first appeal if delay is

condoned. Such undertaking shall be filed within two weeks from today. Upon furnishing such undertaking by the applicant, M.A.C.T. to permit the applicant to withdraw 50% of the amount within one week upon the applicant producing authenticated copy of this order. The prayer for withdrawal of the balance amount would be considered by this court at the stage of hearing of the first appeal filed by the original appellant subject to the condonation of delay.

[R.D.DHANUKA, J.]