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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3487 OF 2019
IN
FIRST APPEAL (STAMP) NO.7563 OF 2017

Sunita Virendra @ Birendra Sahani & Ors.	...Applicants
V/s.	
Bajaj Allianz General Insurance Co. Ltd.	...Respondent

Mr.T.J. Mendon for the Applicants.

Mr.Devendranath S. Joshi for the Appellant.

CORAM : R.D. DHANUKA, J.
DATE : 10TH DECEMBER, 2019.

P.C. :-

1. By this civil application, the applicants (original petitioners) prayed for withdrawal of the amount deposited by the appellant. There is delay on the part of the appellant in filing the first appeal. The civil application for condonation of delay is still pending.

2. Heard learned counsel for the applicants and the original appellant. Pursuant to the impugned order passed by this Court, the appellant has already deposited the entire decretal amount before the concerned M.A.C.T. Considering the above facts, in my view interest of justice would be met with if the applicants are allowed to withdraw 50% of the amount upon furnishing an undertaking before the concerned M.A.C.T. to the effect that if the applicants fail in this first appeal, they will return the amount with interest at such rate as may be directed by this Court at the time of disposal of the first

appeal. Such undertaking shall be filed within three weeks from today. If any such undertaking is filed within the prescribed time, the concerned M.A.C.T. to permit the applicants to withdraw 50% of the amount with accrued interest, if any. The applicants would be at liberty to apply for withdrawal of the balance amount if the delay in filing the first appeal filed by the appellant is condoned and if the first appeal is admitted. If any such application is made, the same shall be considered on its own merit.

3. The civil application is disposed of on aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)