

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 2516 OF 2019****IN****FIRST APPEAL (ST) NO. 36335 OF 2018****Bhausahab Nana Mendhe & Anr.****..... Applicants****VERSUS****Tukaram Rajaram Vanarse & Ors.****.....Respondents**

Mr.S.D.Paithane, a/w. Mr.Aditya S. Raktade for the
Appellants/Applicants.

Mr.Yuvraj P. Narvankar for the Respondent nos. 1 to 3.

CORAM : R.D. DHANUKA, J.**DATE : 3rd DECEMBER, 2019****P.C.**

The papers are allowed to be produced at 01.30 p.m.

2. Learned counsel for the applicants undertakes that his clients would deposit 50% of the decretal amount awarded by the M.A.C.T., Taluka Khed, District Pune in Motor Accident Claim Application No.167 of 2014 with interest to be computed upto the date of deposit before the M.A.C.T. within four weeks from today. Undertaking is accepted. In view of the undertaking rendered by the learned counsel for the applicants, the civil application is made absolute in terms of prayer (b).

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, interim relief granted by this court to stand vacated

without further reference to court.

4. Upon deposit of the said amount, the applicants would inform the respondent nos. 1 to 3 about factum of deposit within one week from the date of deposit. The respondent nos. 1 to 3 are permitted to withdraw the entire amount that would be deposited by the applicants on furnishing undertaking before the M.A.C.T., Taluka Khed, District Pune within two weeks from the date of communication to the effect that if the appellants succeed in the first appeal, respondents would return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order.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 the time prescribed, the amount deposited by the applicants shall be invested by the M.A.C.T., Taluka Khed, District Pune in a fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period after obtaining further orders from this court depending upon the pendency of the first appeal.

6. Civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]