

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****INTERIM APPLICATION NO. 1 OF 2019****IN****FIRST APPEAL (ST) NO. 14412 OF 2019****Karan Pratap Maniar****..... Applicant****IN THE MATTER BETWEEN****Bajaj Allianz General Insurance Co. Ltd.****.... Appellant****VERSUS****Karan Pratap Maniar & Anr.****..... Respondents**

Mr.Devendra S. Joshi for the Applicant/Appellant.

Mr.Saumen S. Vidyarthi for the Respondent no. 1.

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

Mr.Joshi Learned counsel for the original appellant vehemently opposes this withdrawal on the ground that the offending vehicle was not involved in the accident and thus the appellant was not be liable to make any payment.

2. By a separate order passed by this court, First appeal filed by the appellant has been admitted. After hearing the learned counsel for the applicant and the original appellant and considering the observations and the findings rendered by the trial court, in my prima facie view, the applicant has made out a case for withdrawal of 50% amount deposited by the appellant at this stage on furnishing an undertaking before the M.A.C.T. that in the event of the appellant succeeding in the first

appeal, the applicant would return the amount that would be withdrawn with interest at such rate as this court may direct at the stage of final hearing. Such undertaking shall be filed within four weeks from today before the concerned M.A.C.T.

3. M.A.C.T. to permit the applicant to withdraw 50% of the amount deposited within two weeks from the date of filing authenticated copy of this order.

4. It is made clear that the mother and next of friend of the applicant Smt.Meera Pratap Maniar be permitted to withdraw the said amount by the M.A.C.T.

5. The balance amount deposited by the appellant shall be invested in the fixed deposit of a nationalized bank initially for a period of three years and thereafter for like period after obtaining further orders from this court.

6. Office is directed to transmit statutory deposit of Rs.25,000/- deposited by the appellant to the concerned M.A.C.T. expeditiously.

7. IA No.1 of 2019 is disposed off on the aforesaid terms.

[R.D.DHANUKA, J.]