

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1749 OF 2018
IN
FIRST APPEAL NO.893 OF 2015**

Arun Ramchandra Morkal .. Applicant

In the matter between

Maharashtra State Road Transport
Corporation Ltd., Mumbai

.. Appellant

Vs.

Arun Ramchandra Morkal

.. Respondent

Mr.V.A. Shastry i/by Mr.M.S. Athalye for the applicant.

Mr.Saurabh Patil i/by Mr.Dhananjayrao D. Rananaware for the appellant.

CORAM : R.D.DHANUKA, J.

DATE : 18th February 2020

P.C.:

. The applicants seeks permission to withdraw the amount deposited by the appellant.

2. The reasons for seeking withdrawal of the amount are recorded in paragraph 6 of the civil application and are accepted.

3. The applicant (original claimant) is permitted to withdraw 50% of the amount deposited by the appellant with concerned MACT, Satara in MACP No.201 of 2010, at this stage, upon furnishing an undertaking before concerned MACT within four weeks from today to the effect that if he does not succeed in this first appeal, he would return the amount that would be withdrawn with interest at such rate as this

Court may direct by subsequent order. Copy of the undertaking shall be served upon the learned advocate appearing for the appellant within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

4. It is made clear that if the undertaking is not furnished within four weeks from today, the order passed by this Court allowing the applicant to withdraw 50% of the amount deposited by the appellant to stand vacated without further reference to the Court. In that event, the concerned MACT shall invest the said amount in a fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period depending upon the pendency of the first appeal.

5. The concerned MACT is directed to invest the balance 50% of the amount in a fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period depending upon the pendency of the first appeal.

6. Civil application is disposed of on aforesaid terms. No order as to costs. Parties as well as the concerned MACT to act on the authenticated copy of this order.

R.D.DHANUKA, J.