IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3044 OF 2019
IN
FIRST APPEAL NO.1179 OF 2019

Sunanda Revappa Mhetre .. Applicant

In the matter between
Cholamandalam M.S. General Insurance Co. Ltd. .. Appellant
Vs.
Sunanda Revappa Mhetre & Anr. .. Respondents

Mr.Rahul Patil i/by Mr.Umesh Mankapure for the applicant/respondent no.1.
Mr.Rui Danawala i/by M/s.Res Juris for the appellant.
Mr.Shubham K. Karade for the respondent no.2.

CORAM : R.D.DHANUKA, J.
DATE : 12th February 2020

P.C.:

. By this civil application, the applicant seeks withdrawal of the amount deposited by the appellant before the Trial Court.

2. Heard learned counsel for the applicant/respondent no.1 and the respondent no.2. Reasons for seeking withdrawal of the amount are recorded in paragraphs 5 and 6 of the civil application and are accepted.

3. The respondent no.1 (original claimant) is permitted to withdraw 50% of the amount deposited by the appellant with Commissioner for Employees Compensation & Judge, Labour Court

Sangli in Application (ECA) No.17/B-5/2017, at this stage, upon furnishing an undertaking before concerned trial Court within four weeks from today to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order.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 Amount would be withdrawn only after filing such undertaking.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 respondent no.1 to withdraw 50% of the amount deposited by the appellant to stand vacated without further reference to the Court. In that event, the trial Court 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 after obtaining further orders from this Court depending upon the pendency of the first appeal.

5. The trial Court 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 after obtaining further orders from this Court depending upon the pendency of the first appeal.

6. Civil application is made absolute on aforesaid terms. No order as to costs. Parties as well as the trial Court to act on the authenticated copy of this order.

R.D.DHANUKA, J.