

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

**CIVIL APPLICATION NO.111 OF 2017
IN
FIRST APPEAL NO.438 OF 2009**

Manasi Milind Ranade & Ors. .. Applicants
Vs.
New India Assurance Co. Ltd. & Ors. .. Respondents

Mr.Saurabh M.Railkar for the applicants
Mr.S.S. Jinsiwale for the respondents/orig.appellants.

CORAM : R.D.DHANUKA, J.
DATE : 14th January 2020

P.C.:

. By this civil application, the applicants (original respondents) had prayed for withdrawal of the balance amount deposited by the original appellants.

2. Pursuant to the order dated 24th February 2010 passed by this Court in Civil Application No.4900 of 2009, the applicants have already withdrawn 50% of the amount deposited by the original appellants without any security however, on the condition that she files an undertaking that she will return the amount in case she is directed to do so by this Court.

3. Learned counsel for the applicants states that a sum of

Rs.6,42,189/- was lying deposited as on August 2010. He states that for the reasons recorded in the civil application, the applicants be permitted to withdraw at least interest accrued on the said amount from August 2010 till date. The applicants is required to withdraw the said amount for various reasons recorded in the civil application and more particularly in paragraph 4 thereof.

4. I am thus inclined to permit the applicants to withdraw interest accrued on the said amount deposited by the original appellants from August 2010 till date on furnishing an undertaking to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. Such undertaking shall be filed within four weeks from today with MACT with a copy to be served upon the learned advocate appearing for the original appellants within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

5. Civil application is disposed of on aforesaid terms. No order as to costs. Hearing of the first appeal is expedited. Parties as well as the MACT, Sangli to act on the authenticated copy of this order.

R.D.DHANUKA, J.