

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

**CIVIL APPLICATION No. 1380 OF 2019
IN
FIRST APPEAL (ST) No. 2206 OF 2019**

**Bharti Axa General Insurance
Company Ltd.**

through Mr. Ashwin Kumar Gawai

...Applicant

Vs.

Shri Sandeep Vitthal Marathe and Anr.

....Respondents

Mr. Nikhil Mehta i/b. M/s. KMC Legal Venture, for Applicant/
Appellant

Mr. Prakash Mishra i/b. Mr. Sandeep Mishra, for Respondent No.1

CORAM : R.D. DHANUKA, J.

DATE : 4th FEBRUARY, 2020

P.C.:

1. Mr. Mehta, learned counsel for the applicant undertakes that his client would deposit the entire decretal amount awarded by the M.A.C.T., Thane by judgment and award dated 14th February, 2018 in Motor Accident Claim Petition No. 794 of 2014 before M.A.C.T., Thane with interest to be computed upto the date of deposit before M.A.C.T., Thane, within four weeks from today. Undertaking is accepted. In view of the undertaking rendered by the learned counsel, there shall be interim relief in terms of prayer clause (a) of the civil application.

2. It is made clear that no further extension of time would be granted. If the amount is not deposited within the time prescribed, ad-interim relief granted by this court to stand vacated without further reference to court.

3. Upon such deposit, respondent nos.1 and 2 would be at liberty to withdraw 50% of the amount that would be deposited by the applicant at this stage upon the respondent nos.1 and 2 filing an undertaking before M.A.C.T., Thane within two weeks from the date of communication of factum of deposit of the amount by the applicant to the effect that if the respondent nos.1 and 2 do not succeed in the first appeal, they would return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order. The balance 50% shall be invested by the M.A.C.T., Thane in a fixed deposit of a nationalized bank, initially for a period of one year and thereafter for like period after obtaining further orders from this court depending upon the pendency of the first appeal.

5. It is made clear that if the undertaking is not rendered within the time prescribed with a copy to be served upon the applicant's advocate simultaneously, the 50% amount deposited by the

applicant shall be invested in the similar manner. The office is directed to transmit Rs.25,000/- deposited by the applicant as statutory deposit to the M.A.C.T., Thane expeditiously.

6. The applicant is directed to convey this order to the respondent nos. 1 and 2 for compliance and information. The parties as well as the executing court to act on the authenticated copy of this order.

7. Civil application stands disposed of accordingly in the aforesaid terms.

(R.D. DHANUKA, J.)