

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2731 OF 2019
IN
FIRST APPEAL ST. NO. 11855 OF 2018

Nilofar Mohammad Yusuf Khan ...Applicant

IN THE MATTER OF

New India Assurance Co. Ltd. ...Appellant

Versus

Nilofar Mohammad Yusuf Khan & Anr. ...Respondents

.....
Mr.T.J.Mendon for the Applicant.
Ms.Poonam Mittal for the Original Appellant.
.....

CORAM: V.G.BISHT, J.
DATE: 15TH JANUARY, 2020

PC:-

1. This Application is moved for withdrawal of amount deposited by the original appellant pursuant to the judgment and award dated 14th February, 2017 passed by the learned Member, M.A.C.T., Mumbai in Application No. 1090 of 2008.
2. Heard the learned Counsel for both the parties.

3. Considering the judgment and award and the submission of the learned Counsel, the applicant is allowed to withdraw 50% of the amount deposited by the appellant/insurance company. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest. The remaining amount is to be deposited in the fixed deposit of any nationalized bank.

4. Civil Application is allowed and accordingly disposed of.

(V.G.BISHT, J.)