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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.82 OF 2020
IN
FIRST APPEAL NO.1184 OF 2017

Kisan K. Shewale, since deceased
through His L.Rs. - Latabai K. Shewale & Ors. ...Applicants

IN THE MATTER BETWEEN :

Reliance General Insurance Co. Ltd. ...Appellant
V/s.
Kisan K. Shewale, since deceased
through His L.Rs. - Latabai K. Shewale & Ors. ...Respondents

Mr.Sachin Gite for the Applicants.

Ms.Rui Danawala i/b RES Juris for the Appellant.

CORAM : R.D. DHANUKA, J.
DATE : 20TH JANUARY, 2020.

P.C. :-

1. By this civil application, the applicants seek withdrawal of the entire amount deposited by the original appellant before the M.A.C.T., Nashik in M.A.C.P. No.865 of 2013. Learned counsel appearing for the original appellant has no objection if the applicants are allowed to withdraw 50% of the amount deposited by the original appellant with accrued interest out of the amount deposited by the appellant however, on furnishing an undertaking that if the applicants fail in the First Appeal, they will deposit the entire amount allowed to be withdrawn with interest at such rate this Court may direct. Statement is accepted.

2. The applicant nos.2 and 3 are allowed to withdraw 50% of the amount deposited by the original appellant before the M.A.C.T., Nashik, upon furnishing an undertaking before the M.A.C.T. to the effect that if the applicant nos.2 and 3 fail in the First Appeal, they will return the amount with interest at such rate as may be directed by this Court at the time of disposal of the First Appeal. Such undertaking shall be filed within four weeks from today. A copy of the said undertaking shall be served upon the appellant's advocate.

3. If the applicant nos.2 and 3 do not file an undertaking within the aforesaid period, the amount that would be deposited by the original appellant shall be invested by the M.A.C.T. in fixed deposit of a nationalized bank for a period of five years and for like period depending upon the pendency of the First Appeal. If 50% amount is withdrawn by the applicant nos.2 and 3, the balance amount shall be invested by the M.A.C.T., in the fixed deposit of a nationalized bank initially for a period of five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.

4. The civil application is made absolute on aforesaid terms. There shall be no order as to costs.

5. All parties as well as M.A.C.T., Nashik to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)