

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

**CIVIL APPLICATION NO. 262 OF 2020**

**IN**

**FIRST APPEAL NO.160 OF 2013**

**IN**

**FIRST APPEAL (ST) NO. 34790 OF 2012**

**Smt.Prabha Babu Lokhande & Ors.**

**..... Applicants**

**IN THE MATTER OF**

**Bajaj Alliance General Insurance Co. Ltd.**

**..... Appellant**

**VERSUS**

**Smt.Prabha Babu Lokhande & Ors.**

**..... Respondents**

Mr.Vilas B. Tapkir for the Applicant/Original Respondent nos. 1 to 5.

Mr.Hrishikesh S. Shinde, i/b. Mr.M.M.Sathaye for the Appellant.

**CORAM : R.D. DHANUKA, J.**

**DATE : 3<sup>rd</sup> MARCH, 2020**

**P.C.**

Heard learned counsel appearing for the appellant and the respondent nos.1 to 5. The applicants are already allowed to withdraw 50% of the amount deposited by the original appellant under equal share however by furnishing solvent security to the satisfaction of the trial court except bank guarantee. The applicants have sufficiently recorded reasons to why the applicants are not in a position to furnish any such solvent security. The applicants however have explained their readiness and willingness to furnish undertaking before the lower court recorded in paragraph (6) of the interim application. In my view, case is made out for application for modification of the order dated 30<sup>th</sup> April,2014 as under :-

(a) The applicants would be allowed to withdraw 50% of the amount deposited by the original appellant in equal share with the accrued interest however on furnishing undertaking before the M.A.C.T. to the effect that if the applicants fail in the First Appeal filed by the insurance company, they would return the entire amount allowed to be withdrawn as such rate as this court may direct by subsequent order.

(b) It is made clear that if the undertaking is not rendered within four weeks from today, order passed by this court today and the order passed on 30<sup>th</sup> April, 2014 to stand vacated without further reference to court.

2. Interim application is disposed of in the aforesaid terms. No order as to costs.

3. The parties as well as the M.A.C.T. to act on the authenticated copy of this order.

**[R.D.DHANUKA, J.]**