

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

**CIVIL APPLICATION NO. 1325 OF 2014
IN
FIRST APPEAL NO. 1016 OF 2014**

Shri. Lalbahadur Z. Gupta ... Applicant.

IN THE MATTER BETWEEN

The New India Assurance Company Ltd. ... Appellant
V/s

Shri. Lalbahadur Z. Gupta and Anr. ... Respondents.

Mrs. Sushma S. Poyekar, for the Applicant.
Mr. S.M. Dange, for the Appellant.

CORAM : V. G. BISHT, J.

DATED : 16TH JANUARY, 2020.

PC.

The applicant has moved this application for withdrawal of amount deposited by the original appellant pursuant to the judgment and order dated 10/08/2011 passed by the learned Chairman, M.A.C.T., Mumbai in Application No. 801 of 2005.

2 Heard learned counsel for both the parties.

3 In view of submissions made by learned counsel for the applicant,

applicant is allowed to withdraw 50% of the deposited amount. The applicant is directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.

4 Civil Application is allowed and is accordingly disposed of.

(V. G. BISHT, J.)