

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

**CIVIL APPLICATION NO.2218 OF 2017
IN
FIRST APPEAL (ST.) NO.36112 OF 2012**

Gouri Satish Nalawade .. Applicant

In the matter between

Bajaj Allianz General Insurance Co. Ltd. .. Appellant

Vs.

Gouri Satish Nalawade & Ors. .. Respondents

Mr.Sameer S. Kadam i/by Mr.Ravi P. Kadam for the applicant/
respondent no.1.

Mr.Gaurav Dutta i/by Mr.M.M. Sathaye for the appellant.

CORAM : R.D.DHANUKA, J.

DATE : 18th February 2020

P.C.:

. The applicant seeks permission to withdraw the amount deposited by the appellant.

2. The reasons for such permission are recorded in paragraph 6 of the civil application and are accepted.

5. The applicant (original claimant) is permitted to withdraw 50% of the amount that is deposited by the appellant with the MACT, Satara in M.A.C.P. No.225 of 2008, at this stage, upon furnishing an undertaking before concerned MACT within four weeks from today to the effect that if the applicant does not succeed in this first appeal, she

would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. Copy of the undertaking shall be served upon the learned advocate appearing for the appellant within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

5. It is made clear that if the undertaking is not furnished within four weeks from today, the order passed by this Court allowing the applicant to withdraw 50% of the amount that is deposited by the appellant to stand vacated without further reference to the Court. In that event, the concerned MACT shall invest the said amount in a 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.

6. The concerned MACT is directed to invest the balance 50% of the amount in a 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.

7. Civil application is disposed of on aforesaid terms. No order as to costs. Parties as well as the concerned MACT to act on the authenticated copy of this order.

R.D.DHANUKA, J.