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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3040 OF 2019
IN
FIRST APPEAL NO.2490 OF 2011

Kokila V. Jadhav ...Applicant

IN THE MATTER BETWEEN :

New India Assurance Co. Ltd. ...Appellant
V/s.

Kokila V. Jadhav ...Respondent

Mr.Ajinkya Bafna with Mr.Akhil Kupade i/b Manoj Harit & Co. for the
Applicant/ Respondent Nos.1 to 4.

Mr.S.S. Jinsiwale for the Appellant in the First Appeal.

CORAM : R.D. DHANUKA, J.
DATE : 11TH FEBRUARY, 2020.

P.C. :-

1. By this civil application, the applicant seeks withdrawal of the amount deposited by the appellant.

2. Heard learned counsel for the parties. The First Appeal filed by the Insurance Company is already admitted. This application is filed by the original claimants. The reasons are satisfactorily recorded in paragraph 7 of the civil application. I am thus inclined to allow the applicant to withdraw a sum of Rs.3,00,000/- out of the amount deposited by the appellant out of the decretal amount on the

condition that applicant would file an undertaking that if the appellant succeeds in this First Appeal, she would return the amount with interest at such rate as this Court may direct by subsequent order. The undertaking shall be filed within four weeks from today with a copy to be served upon the appellant's advocate simultaneously. If such undertaking is not filed within the time prescribed, the order passed by this Court permitting the applicant to withdraw the amount to stand vacated without further reference to the Court. If the amount is already not invested by the Tribunal, the same shall be invested after permitting withdrawal of Rs.3,00,000/- out of the said deposit 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.

3. The civil application is disposed of in aforesaid terms. There shall be no order as to costs.

4. Parties as well as the Tribunal to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)