IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3883 OF 2019
IN
FIRST APPEAL NO.628 OF 2019

Vidya Jaysingh Patil & Ors. .. Applicants

In the matter between
United India Insurance Co. Ltd. & Anr. .. Appellants
Vs.
Vidya Jaysingh Patil & Ors. .. Respondents

Mr.Akshay A. Kulkarni for the applicants.
Mr.Ketan Joshi for the appellants.
Mr.Rahul Patil i/by Mr.Sarvajit B. Patil for the respondent no.5.

CORAM : R.D.DHANUKA, J.
DATE : 18th February 2020

P.C.:

. By this application, the applicants has prayed for withdrawal of the amount deposited by the appellant.

2. Heard learned counsel for the parties. The reasons for seeking withdrawal of the amount are recorded in paragraph 7 of the civil application and are accepted.

3. For the reasons recorded in the civil application, the applicant nos.1 to 3 (original claimants) are permitted to withdraw 50% of the amount deposited by the appellant with the MACT, Kolhapur in MACP No.441 of 2010, at this stage, upon furnishing an undertaking

before concerned MACT within four weeks from today to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order.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. The amount to be apportioned in the manner prescribed by the MACT, Mumbai. The amount allowed to be withdrawn shall be apportioned in the ratio already decided by the MACT in the impugned order.

4. 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 nos. 1 to 3 to withdraw 50% of the amount 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 fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period depending upon the pendency of the First Appeal.

5. In so far as the respondent no.4 is concerned, amount payable to him by the impugned judgment and award shall be invested in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period till he attains the age of majority depending upon the pendency of the First Appeal.

6. The respondent no.1 is permitted to withdraw interest amount accrued on such Fixed Deposit that is deposited by the appellant for maintenance of the respondent no.4. Upon attaining the age of majority, the respondent no.4 is allowed to apply for withdrawal of her share.

5. 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 one year and thereafter for like period depending upon the pendency of the First Appeal.

6. 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. Parties are at liberty to apply for early hearing of this First Appeal.

R.D.DHANUKA, J.