IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3175 OF 2019
IN
FIRST APPEAL NO. 1313 OF 2019

Ambirmma Ismail Shaikh & Anr. … Applicants
V/s.
Shriram General Insurance Company Ltd. & Ors. … Respondents

Mr. R. S. Alange for the for the Applicants.
Mr. Anvil S. Kolekar for the Respondents.

CORAM : R.D.DHANUKA,J.

DATE : 28th January, 2020.

P.C.:-

1] Applicants have prayed for liberty to withdraw the amount deposited by the original appellant. Appeal was partially heard and adjourned to 20th February 2020. Argument could not be concluded since evidence laid by the parties before the Tribunal was not available. The applicants have made out a case for withdrawal of 50% of the amount deposited by appellant in paragraph No.5 of the Civil Application. The reasons are recorded therein are accepted.

2] The applicants are permitted to withdraw 50% of the amount upon furnishing an undertaking within two weeks from today to be filed before the M.A.C.T. to the effect that if the appellant succeeds in First

Appeal, the applicants would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order.

3] It is made clear that if the undertaking is not rendered within two weeks from today with a copy to be served upon the appellant's advocate simultaneously, the amount deposited by the applicant shall be invested by the M.A.C.T., Solapur 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.

4] M.A.C.T., Solapur is directed to invest the balance 50% of the amount in the fixed deposit in any Nationalized Bank initially for a period of one year and for a like period depending upon pendency of this appeal. Civil Application is disposed of in aforesaid terms.

5] The parties as well as the executing Court to act on the authenticated copy of this order.

[R.D.DHANUKA, J.]