IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.260 OF 2020
IN
FIRST APPEAL NO.660 OF 2016

Mohd Hashim Sahabudhin Khan & Anr. .. Applicants

In the matter between
Bajaj Allianz General Insurance Company Ltd. .. Appellant
Vs.
Mohd Hashim Sahabudhin Khan & Ors. .. Respondents

Ms.Kajol Raje i/by Mr.A.M. Gokhale for the applicants/respondent nos.1 & 2.
None for the appellant.

CORAM : R.D.DHANUKA, J.
DATE : 4th March 2020

P.C.:

. By this civil application, the applicants seek withdrawal of the amount deposited by the appellant. No affidavit-in-reply is filed by the appellant.

2. Heard learned counsel for the parties and have perused the avements made in the civil application. Reasons recorded for seeking withdrawal of the amount in paragraph 5 of the civil application are accepted.

3. The respondent nos.1 & 2 (original claimants) are permitted to withdraw 50% of the amount deposited by the appellant with the MACT, Mumbai in MACP No.2246 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from today to the effect that if they do not succeed in this First Appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order.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. Amount would be withdrawn only after filing such undertaking.

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 respondent nos.1 & 2 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 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.

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 five years and thereafter for like period depending upon the pendency of the first appeal.

6. Civil application is disposed of on aforesaid terms. Parties as well as the concerned MACT to act on the authenticated copy of this order.

R.D.DHANUKA, J.