IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2444 OF 2019
IN
FIRST APPEAL (ST.) NO.16176 OF 2019

Cholamandalam M.S. General Insurance Co. Ltd. .. Applicant/Appellant
Vs.
Vaishnavi Vinayak Sohani & Ors. .. Respondents

Ms.Rui Danawala i/by M/s.Res Juris for the applicant/appellant.
None for the respondents.

CORAM : R.D.DHANUKA, J.
DATE : 12th February 2020

P.C.:

. Learned counsel for the applicant states that the respondents have already levied warrant of attachment on 8th February 2019 on computers, laptops, chairs, tables, T.V. etc. and undertakes that her client would deposit entire decreetal amount awarded by judgment and award dated 8th February 2019 with interest to be computed upto the date of deposit within four weeks from today with the MACT, Mumbai in MACP No.2122 of 2013. Undertaking is accepted.

2. In view of the undertaking rendered by the learned counsel for the applicant, there shall be ad-interim relief in terms of prayer clause (b). It is made clear that no further extension of time would be granted. If the said amount is not deposited within the time prescribed, the ad-interim order passed by this Court to stand vacated without further reference to the Court.

3. It is made clear that attachment already levied by the Executing Court would be continued till the entire decreetal amount with interest to be computed upto the date of deposit is deposited with the MACT, Mumbai. After such amount is deposited, the applicant would be at liberty to apply for raising warrant of attachment.

4. The respondent nos.1 & 4 (original claimants) are permitted to withdraw 12.50% each of the amount that would be deposited by the applicant with concerned MACT, at this stage, upon furnishing an undertaking before concerned MACT within four weeks from the date of communication of the factum of deposit to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order.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 applicant 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 Amount would be withdrawn only after filing such undertaking.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 the date of communication of the factum of deposit, the order passed by this Court allowing the respondent to withdraw 12.50% each of the amount that would be deposited by the applicant 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 one year and thereafter for like period after obtaining further orders from this Court depending upon the pendency of the First Appeal.

6. In so far as the respondent nos.2 and 5 are concerned, 12.50% each of the amount that would be deposited by the applicant shall be invested in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period till they attain the age of majority depending upon the pendency of the First Appeal.

7. The respondent no.1 is permitted to withdraw interest amount on such Fixed Deposit that would be deposited by the applicant for maintenance of the respondent nos.2 and 5. Upon attaining their age of majority, the respondent nos.2 and 5 are allowed to apply for withdrawal of their respective shares.

8. 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.

9. The applicant is directed to convey this order to the respondents for compliance and information.

10. 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.