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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1880 OF 2017
IN
FIRST APPEAL NO.1092 OF 2015

Vasanti R. Chorat & Ors.

...Applicants

IN THE MATTER BETWEEN :

The Manager,
Bajaj Alliance General Insurance
V/s.

...Appellant

Vasanti R. Chorat & Ors.

...Respondents

Ms.Yogita Deshmukh for the Appellant.

Mr.Manmath S. Athalye for the Respondent Nos.1 to 3 / Applicant in
C.A. No.1880 of 2017.

Mr.Karan Deshmukh i/b Mr.Vaibhav R. Gaikwad for the Respondent
No.4.

Ms.Kokila Kalra for the Respondent Nos.5 and 6.

CORAM : R.D. DHANUKA, J.
DATE : 3RD FEBRUARY, 2020.

P.C. :-

1. By this civil application, the applicants have prayed for liberty to withdraw the amount deposited by the appellant pursuant to the interim order passed by this Court while staying the judgment and award dated 30th October, 2014 passed by the M.A.C.T., Satara in MACP No.184 of 2012.

2. The applicants were the original claimants have impugned

that part of the judgment and award by which the claim for compensation made by the Tribunal was reduced to half by the Tribunal.

3. By a separate order passed by this Court on 16th April, 2015, the respondent nos.5 and 6 have been allowed to withdraw a sum of Rs.2,00,000/-. The applicant no.1 is the widow of the said deceased, whereas the applicant nos.2 and 3 are the children of the said deceased.

4. The reasons for withdrawal or seeking withdrawal of the amount are recorded in paragraphs 5 of the civil application. I am satisfied with the reasons recorded therein. However, the applicants have made out a case for withdrawal of 50% amount deposited by the appellant excluding the amount of Rs.2,00,000/- which are already withdrawn by the respondent nos.6 and 7 however on the condition that applicants shall file an undertaking before the concerned M.A.C.T., within four weeks from today to the effect that if the appellant succeeds in this appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. A copy of the said undertaking shall be served upon the appellant's advocate simultaneously.

5. It is made clear that if the undertaking is not rendered within the time prescribed with a copy to be served upon the

applicant's advocate simultaneously, the order permitting the applicants to withdraw the 50% of the amount to stand vacated without further reference to the Court. The balance amount shall be invested by the concerned M.A.C.T., 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, if such amount is not already invested.

6. The civil application disposed of on aforesaid terms. Hearing of the first appeal is expedited.

7. All parties as well as the Tribunal to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)