

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 316 OF 2019
IN
CIVIL APPLICATION NO.552 OF 2019
IN
FIRST APPEAL NO.278 OF 2020**

Nita Laxman Sathe & Ors.	...Applicants
In the matter between	
IFCO Tokyo Gen. Ins. Co. Ltd.	...Appellant
Vs.	
Nita Laxman Sathe & Ors.	...Respondents

Mr.Sujay Gangat for the Applicants/org.Respondents.
Mr.Abhijeet Kulkarni for Appellant.

**CORAM : G.S.KULKARNI, J.
DATE : 17 July 2020
(through Video Conferencing)**

P.C.

1. By this civil Application, the applicants- Nita Laxman Sathe and her family members are before the Court praying for withdrawal of the amount deposited by the insurance company before the Motor Accident Claims Tribunal.
2. By an order dated 1 March 2019, a stay to the impugned award was granted on condition of the appellant depositing the entire decretal amount within six weeks. By an order dated 16 April 2019, time was extended by one week to comply the order dated 1 March 2019.
3. Learned counsel for the applicant has drawn my attention to the averments as made in the application setting out that the applicants have lost

their son and they are entitled to get the decretal amount from the appellant as per the award passed by the learned Judge, MACT, Baramati, Dist.Pune.

4. Having heard Mr. Gangat, learned counsel for the applicants and Mr. Kulkarni, learned counsel for the insurance company who opposed this Application, in my opinion, it is in the interest of justice that the applicants are permitted to withdraw Rs.30 Lakhs, however, on the condition that the applicants shall furnish an undertaking within four weeks from today before the M.A.C.T. to the effect that if the insurance company succeeds in the First Appeal, the applicants would return the amount allowed to be withdrawn by this order with interest at such rate as this Court may direct. A copy of such undertaking shall be served upon the learned Advocate appearing for the insurance company within one week from the date of filing such undertaking.

5. The statutory amount of Rs.25,000/- which now stands deposited in this Court shall be transferred to M.A.C.T. at Pune. Further the balance amount of the award shall be invested in the Fixed Deposit of any nationalized bank, if not invested.

6. Let the appeal be listed for admission after the Court commences regular functioning.

7. Civil Application is disposed of in the aforesaid terms. No costs.

8. This order will be digitally signed by the Personal Assistant of this Court. All concerned to act on digitally signed copy of this order.

(G.S.KULKARNI, J.)