

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

**CIVIL APPLICATION NO. 3809 OF 2019
IN
FIRST APPEAL NO. 1712 OF 2019**

Smt. Mangal Madhukar Pawar ... Applicant

In the Matter Between :-

Reliance General Insurance Co. Ltd. ... Appellant
V/s.

Smt. Yogita Krushna Pawar & Ors. ... Respondents

Mr. Yogesh Pande, for the Applicant & Original Respondent No.5.

Ms. D. Shalini Shankar i/by Ms. KMC Legal Venture, for the Appellant.

Mr. Nitesh Hinduja i/by Mr. Prashant P. Jadhav for the Respondent No.2 to 4.

CORAM : R.D.DHANUKA,J.

DATE : 28th January, 2020.

PC:-

1] By this Civil Application applicant seeks withdrawal of amount deposited by the appellant without furnishing any security.

2] The appellant has already deposited entire amount with the M.A.C.T., Pune. Heard learned counsel for the applicant and respondent no.2 and 4. Reasons for withdrawal of amount are recorded in paragraph No.3 of the Civil Application. Case is made out for withdrawal of 50%

amount of her 30% share alongwith accrued interest thereof, at this stage upon the applicant filing an undertaking before the M.A.C.T., Pune within four weeks from today to the effect that if the applicant does not succeed in the First Appeal, she would return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order.

3] Applicant is directed to file undertaking within four weeks from today with a copy to serve upon the appellant's advocate simultaneously. If the undertaking is not rendered within the time prescribed, order passed by this Court today, permitting to withdraw 50% of her 30% share amount with accrued interest to stand vacated without further reference to Court. If the amount is not invested by M.A.C.T., Pune, 50% amount shall be invested in a fixed deposit of a nationalized bank initially for a period of five year and thereafter for like period depending upon the pendency of the First Appeal. If the undertaking is not furnished, this 50% amount also shall be invested in the aforesaid manner.

4] Civil Application is allowed in aforesaid terms.

5] Parties as well as M.A.C.T., Pune, to act upon authenticated copy of this order.

[R.D.DHANUKA, J.]