

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1729 OF 2019
IN
FIRST APPEAL (STAMP) NO.36797 OF 2018

National Insurance Co. Ltd.	...Applicant
V/s.	
Bhimrao S. Jadhav & Ors.	...Respondents

Mr.Amol A. Gatne for the Applicant.

Mr.Kiran Patil i/b Mr.Sameer S.Kadam for the Respondent Nos.1 and 2.

CORAM : R.D. DHANUKA, J.
DATE : 11TH FEBRUARY, 2020.

P.C. :-

1. The papers are allowed to be produced at 3.00 p.m.
2. Learned counsel appearing for the applicant states that the respondents have filed the execution application and undertakes that the applicant would deposit the entire amount awarded by an order dated 12th July, 2017 by M.A.C.T. Satara, in M.A.C.P. No.8 of 2014 within four weeks from today. Undertaking is accepted. 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). The applicant is directed to convey this order to the respondent nos.1 to 5 within two weeks from today. The respondent nos.1 to 5 would be at liberty to withdraw 50% of the amount that would be deposited by the applicant at this stage however on the condition that they would file

an undertaking to the effect that they would return the amount with interest at such rate as this Court may direct by subsequent order. The undertaking shall be filed only after the applicant conveying the respondent nos.1 to 5 about the factum of deposit.

3. It is made clear that if the undertaking is not filed within the time prescribed with a copy to be served upon the applicant's advocate simultaneously, liberty to withdraw granted to the respondents by this order to stand vacated without further reference to the Court. The balance 50% amount shall be invested by the concerned MACT, 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 undertaking is not rendered within the time prescribed, such 50% amount shall also be invested in fixed deposit of nationalized bank in the same manner.

4. The civil application stands disposed of in aforesaid terms. There shall be no order as to costs.

5. The office is directed to transfer the statutory deposit of Rs.25,000/- to the MACT, Satara expeditiously.

(R.D. DHANUKA, J.)