

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

**INTERIM APPLICATION NO. 1 OF 2019
IN
FIRST APPEAL NO. 4 OF 2020**

Manju Manoj Mourya and Ors.

... Applicants

IN THE MATTER BETWEEN

Oriental Insurance Company Limited

... Appellant

V/s

Manu Manoj Mourya and Ors.

... Respondents

Mr. T.J. Mendon, for the Applicants.

Mr. Devendranath S. Joshi, for the Respondents.

CORAM : V.G. BISHT, J.

DATED : 8TH JANUARY, 2020.

P.C. :

On 17th December, 2019 this Court inadvertently condoned the delay of 11 days as the fact of non serving of notice to the respondents was not brought to its knowledge. Therefore, the said order dated 17th December, 2019 is recalled with a further direction of the service of notice to the respondents as they are concerned with the present application i.e. condonation of delay.

2 Applicant has moved the application for withdrawal of amount deposited by the original appellant pursuant to the judgment and order dated 9th November, 2017 passed by the learned Member, C.R.No.6, M.A.C.T., Mumbai in MACP No. 2677 of 2010.

3 Heard learned counsel for both the parties.

4 In view of submissions made by learned counsel for the applicants, applicants are allowed to withdraw 50% of the compensation amount as per apportionment made in para 3 of the order dated 09/11/2017 passed in M.A.C.P. No. 2677 of 2010. The applicants are directed to give an undertaking of returning the said amount to be withdrawn in the event of appeal being allowed with prevailing rate of interest.

5 Application is allowed and is accordingly disposed of.

(V.G. BISHT, J.)