

Chitra Sonawane

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

**CIVIL APPLICATION NO.3436 OF 2019
IN
FIRST APPEAL (STAMP)NO.18238 OF 2019**

Bharti AXA G.I.C. Ltd ... Applicant.
Vs.
Manoj Sajanrao Nikam & Ors. ... Respondents.

.....

Mr.Nikhil Mehta, Advocate i/b KMC Legal Venture for applicant.
Mr. Pritesh Bohade for respondent.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 28th JANUARY, 2021

P.C.

1. Heard Mr.Mehta, the learned Counsel for the appellant. Mr.Mehta, on instructions makes a statement that the insurer will deposit the amount with accrued interest within 4 weeks from today. Statement is accepted. In view of the statement made as above, there shall be ad-interim relief in terms of prayer clause (a) of the application.

2. If the appellant fails to deposit the amount within 4 weeks, the ad-interim relief shall stand vacated automatically without further reference to the Court.

3. The learned Counsel for the appellant, however, objects withdrawal of compensation amount in favour of the claimants by

contending that he has a good case on merits. However, in the interest of justice, liberty to the claimants to withdraw 50% of the amount of the compensation with accrued interest. The claimants shall give an Undertaking before M.A.C.T., Nashik, that in case the appeal succeeds, they shall deposit the amount in M.A.C.T., Nashik, alongwith the interest depending upon the decision of the appeal.

4. If the appellants fail to withdraw 50% of the amount, M.A.C.T., Nashik, shall invest the entire amount in Fixed Deposit in any Nationalized Bank for a period of one year and thereafter one more year, after obtaining order of this Court.

5. Civil Application No. 3436 of 2019 stands disposed of in view of the aforesaid order.

(PRITHVIRAJ K. CHAVAN, J.)

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