

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

**CIVIL APPLICATION NO.2805 OF 2019
IN
FIRST APPEAL [STAMP] NO.33922 OF 2016**

Smt.Lata Dinanath Dalvi]
Since deceased through legal heirs]
1.Dinanath Waman Dalvi & Ors.]..... Applicants.
Vs.
United Indian Insurance Co.Ltd.& Ors.]...Respondents.

IN THE MATTER BETWEEN:

United Indian Insurance Co.Ltd.].. Appellant.
Vs.
Smt.Lata Dinanath Dalvi]
Since deceased through legal heirs]
1.Dinanath Waman Dalvi & Ors.]... Respondents.

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Mr.Amol Gatne, Advocate for appellant in FA (St)no.33922/2016 and for respondents in CAF no.2805/2019.

Mr.A.N.Desai a/w Ms Mallika R.Pujari a/w Mr. Mayank Mishra i/b Ms. Kavita N. Solunke for applicant in CAF 2805/2019 and respondent nos.1 and 2 in FA (St)33922/2016.

Miss Namrata Sawant i/b Ms Priya Crasto for respondent no.4.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 17TH FEBRUARY, 2021.

P.C. :

1. This is an application for withdrawal of an amount deposited by

the appellant/insurer with M.A.C.T., Mumbai.

2. Learned Counsel for the appellant objects withdrawal of the amount by contending that he has a good case on merits.
3. In view of the reasons stated in the application, the applicants are permitted to withdraw 50% amount of compensation with accrued interest.
4. The applicants shall give an Undertaking at the time of withdrawal of the amount that in case, the appeal succeeds, they shall refund the amount with interest, as per the outcome of the appeal.
5. After withdrawal of 50% of the amount, balance amount shall be invested in a Fixed Deposit in any Nationalized Bank for a period of one year and thereafter for one more year after obtaining order from this Court.
6. The application is disposed of.

[PRITHVIRAJ K.CHAVAN,J.]