Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1104 OF 2019

IN

FIRST APPEAL NO.1142 OF 2019

Ashok Rajaram Bambulkar and another] Applicants

Vs.

National Insurance Co. Ltd. and another] Respondents

IN THE MATTER BETWEEN:

National Insurance Co. Ltd.] Appellant

Vs.

Ashok Rajaram Bambulkar and others] Respondents

.....

Mr. T.J. Mendon, for Applicants.
Mr. Amol Gatne, for Respondent-insurer.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 20th JANUARY, 2021.
(Through Video Conferencing)

P.C.

1. This is an application for withdrawal of the amount of compensation deposited by the respondent-insurer before Motor Accident Claims Tribunal, Mumbai.

2. Heard Mr. Mendon, learned Counsel for the applicants and Mr. Gatne, learned Counsel for the respondent-insurer.

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3. This Court by an order dated 29th July, 2015 had permitted the applicants to withdraw Rs.1,00,000/- each along with accrued interest without furnishing any security but subject to outcome of the appeal.

4. The learned Counsel for the applicants has no instructions as to whether there is compliance of the order passed by this Court on 29th July, 2015. Nevertheless, the applicants are at liberty to withdraw 50% of the amount of compensation along with accrued interest. This amount shall be adjusted against the withdrawal permitted by this Court, if at all, it was withdrawn.

5. The applicants shall furnish an undertaking within one week that if the respondent-insurer succeeds in the appeal, they will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

6. If the applicants do not file an undertaking within the aforesaid period, the amount deposited by the respondent-insurer shall be invested by the M.A.C.T in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

7. If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

8. The application stands disposed of.

9. This order will be digitally signed by the Personal Assistant of this Court. All concerned shall act on production by fax or e-mail of a digitally signed copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]