

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3806 OF 2019**

IN

FIRST APPEAL NO.774 OF 2017

Ujwala Subhash Kamble (Malekar) and others.] Applicants

Vs.

Future Generali India Insurance Co. Ltd.]

and another.] Respondents

IN THE MATTER BETWEEN:

Future Generali India Insurance Co. Ltd.]

and another.] Appellants

Vs.

Ujwala Subhash Kamble (Malekar) and others.] Respondents

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Mr. Akshay A. Kulkarni, for Applicants.

Mr. D.R. Mahadik, for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 22nd JANUARY, 2021.

P.C.

1. Learned Counsel for the applicants seeks leave to amend prayer clause (b) of the application.
2. Leave granted. Amendment to be carried out forthwith.

3. This is an application for withdrawal of the amount of compensation along with accrued interest deposited with the Commissioner for Employees Compensation at Kolhapur.
4. For the reasons stated in paragraph 7 of the application, the applicants are permitted to withdraw 50% of the amount of compensation.
5. The applicants shall furnish undertaking at the time of withdrawal of the amount that if the respondent-original appellant-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 undertaking at the time of withdrawal, the amount deposited by the respondent-insurer shall be invested 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 If 50% amount is withdrawn by the applicants, balance amount shall be invested in a fixed deposit as stated above, in a Nationalized Bank.
8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]