

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

**CIVIL APPLICATION NO. 1394 OF 2016  
IN  
FIRST APPEAL NO. 242 OF 2018**

Mr. Dhananjay Shankar Phadnis  
& Ors.

..Applicants

versus

The New India Assurance Co. Ltd.

..Respondents

Ms.Ashwini Jadhav with Sandeep Jinsiwale for the Appellant-Insurance Company.

Mr. Akshay Kulkarni i/b. Mr. A.M.Kulkarni for the Respondent Nos. 5A to 5D.

Ms. Rui Danawala i/b. Umesh Mankapure for the Applicant.

**CORAM : ANUJA PRABHUDESSAI, J.  
DATED : 11<sup>th</sup> NOVEMBER, 2022.**

**P.C.**

1. The Applicants, who are the original Claimants have sought to withdraw the amount deposited by the Appellant Insurance Company. The Applicants have already withdrawn an amount of Rs.1,50,000/-.
2. Considering the reasons stated in the application, and the grounds raised in the appeal memo, the Applicants are permitted to withdraw 50% of the balance amount with proportionate interest accrued thereon, subject to filing an undertaking that the amount will be refunded with interest in the event, the Appellant-Insurance Company succeeds in the appeal. Application stands disposed of.

**(ANUJA PRABHUDESSAI, J.)**

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