

Order below Exh. 16

1. Advocate of decree holder has filed application to withdraw 50% of deposited amount of Rs. 28,37,820/- alongwith interest. Report of Assistant Superintendent (Cash) and Senior Clerk is called for. A.S. (Cash) has given the report that on 21/08/2019 the National Insurance Company has deposited the amount of Rs. 28,37,820/-. Senior Clerk has given the report that First Appeal 32455/2018 is pending against Judgment passed in M.A.C.P. 24/2014 in Bombay High Court.

2. Advocate of the decree holder submitted that in First Appeal 32455/2018 interim application 2912/2021 was filed. On said I.A. order was passed on 03/12/2021. Para 6 and 7 of the said Order are reproduced hereunder -

Para 6 I find substance in the submission of the respective counsel and for the time being, in view of the exigencies expressed in the application, I permit withdrawal of 50% of the amount which has been deposited and invested in a Fixed Deposit in SBI on 20th September 2019. The 50% amount by calculating the interest accruing thereupon on the Fixed Deposit till the date of its withdrawal, should be permitted to be withdrawn and remaining 50% shall again be re-invested in the Fixed Deposit in the very same bank.

This withdrawal is however, subject to the undertaking being submitted by the claimants before the

Tribunal that they shall remit the amount in case the Appeal is allowed with the interest, which this Court may levy at the relevant time.

Para 7 Subject to the above, Interim Application is allowed in the aforesaid terms.

SMT. BHARATI DANGRE, J

3. Advocate of the decree holder has filed undertaking at Exh. 17. In view of Order dated 03/12/2021 passed in I.A. 2912/2021 in FA 32455/2018 50% amount by calculating the interest on Rs. 28,37,820/- is disbursed to decree holder 1 & 2. Hence, the order-

ORDER

- i) The application is allowed.
- ii) A.S. (Cash) to pay 50% amount by calculating interest on Rs. 28,37,820/- to decree holder Jayprakash Mangesh Nadkarni and Archana Jayprakash Nadkarni equally by NEFT/RTGS/Account payee cheque on due identification.

Date: 18/12/2021
Place : Sindhudurg-Oros

sd/-
(Dr. Gauri Kawdikar)
District Judge-2 and
Additional Sessions Judge
Sindhudurg-Oros.