



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1760 OF 2009
WITH
CIVIL APPLICATION NO.5890 OF 2007

The New India Assurance Co. Ltd. ..Appellant.
Vs.
Dineshkumar J.Dubey and anr. ..Respondents.

Mr. S.M. Dange for the Appellant.
Mr.T.J.Mendon for the Respondents.

CORAM : R.S. MOHITE, J.
DATE : 18th February, 2010

PC :

1 Heard both sides.
2 Admit on the substantial question of law as
contained in Para Nos. 5,6 and 7 of the appeal
memo.

CIVIL APPLICATION NO.5890 OF 2007

1 Heard both sides.
2 Rule.
3 By consent, rule made returnable forthwith.
First appeal has been admitted by a separate order
passed today. Applicant states that the entire



amount has been deposited in the lower court. In the circumstances, since this is a money decree and entire amount has been deposited, respondents are permitted to withdraw the entire amount subject to giving solvent security to the satisfaction of the lower court and subject to further condition that respondents will file undertaking within three weeks from today that they will redeposit the entire amount with 9% interest, in case, the appeal is allowed and in case, they are directed to deposit the said amount.

(R.S. MOHITE, J.)