

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

**CIVIL APPLICATION NO. 131 OF 2020**  
**IN**  
**FIRST APPEAL NO. 71 OF 2020**

**United India Insurance Co. Ltd. .... Applicant**  
**VERSUS**  
**Smt.Sonabai Dharma Bhusare & Anr. .... Respondents**

Mr.Amol Gatne for the Appellant/Applicant.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 17<sup>th</sup> FEBRUARY, 2020**

**P.C.**

Issue notice upon the respondents returnable on **23<sup>rd</sup> March, 2020**. Humdast is permitted.

2. In addition to the court notice, the applicant is also permitted to serve the respondents by private notice, i.e. by Registered A.D., courier or Hand Delivery and shall file affidavit of service before the next date.
3. To be heard along with First Appeal on the returnable date.
4. There shall be *ad-interim* relief in terms of prayer clause (A) on the condition that the applicant deposits the entire amount awarded by the M.A.C.T., Nashik in M.A.C.P. No. 629 of 2017 by an judgment and award dated 22<sup>nd</sup> April, 2019 within four weeks from today.
5. It is made clear that no further extension of time would be granted. If the amount is not deposited within the time prescribed, *ad-interim* relief granted by this court to stand vacated without further reference to court.

6. The applicant is directed to convey this order to the respondent no.1 within one week from the date of such deposit. Upon such deposit, the respondent no. 1 would be at liberty to withdraw 50% of the amount that would be deposited by the applicant at this stage upon the respondent no. 1 filing an undertaking before the M.A.C.T., Nashik within four weeks from the date of communication of factum of deposit of the amount by the applicant to the effect that if the respondent no.1 does not succeed in the first appeal, he would return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order.

7. It is made clear that if the undertaking is not rendered within the time prescribed with a copy to be served upon the applicant's advocate simultaneously, the amount deposited by the applicant shall be invested by the M.A.C.T., Nashik in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for like period after obtaining further orders from this court depending upon the pendency of the first appeal.

8. The applicant is directed to convey this order to the respondent no.1 for compliance and information. The parties as well as the executing court to act on the authenticated copy of this order. M.A.C.T., Nashik is directed to invest the balance 50% of the amount in the fixed deposit of a nationalized bank initially for a period of five years and for like period after obtaining further orders from this court.

**[R.D.DHANUKA, J.]**