IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2 OF 2019
IN
FIRST APPEAL (ST) NO. 27330 OF 2019

The Maharashtra State Road Transport Corporation ….. Applicant
VERSUS
Ranjit Subhashrao Shitole ….. Respondent

Ms.Ayodhya Patki, i/b. Mr.Nitesh V. Bhutekar for the Appellant/Applicant.

CORAM : R.D. DHANUKA, J.

DATE : 3rd MARCH, 2020

P.C.

The papers are allowed to be produced at 3.00 p.m.

2. Learned counsel for the applicant states that the respondent has filed execution application. Statement is accepted. Learned counsel on instruction undertakes that the applicant would deposit the entire decreetal amount awarded by the M.A.C.T., Mumbai by judgment and order dated 11th December, 2018 in Motor Accident Claim Petition No. 1721 of 2010 with interest to be computed upto the date of deposit before the M.A.C.T., Mumbai within four weeks from today. Undertaking is accepted. In view of the undertaking rendered by the learned counsel, there shall be *ad-interim* relief in terms of prayer clause (a) of the interim application.

3. 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.

4. Upon such deposit, the respondent would be at liberty to withdraw 50% of the amount that would be deposited by the applicant at this stage upon the respondent filing an undertaking before the M.A.C.T., Mumbai within two weeks from the date of communication of factum of deposit of the amount by the applicant to the effect that if the respondent does not succeed in the first appeal, he would return the amount that would be withdrawn with interest at such rate as this court may direct by subsequent order.

5. 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., Mumbai 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.

6. The applicant is directed to convey this order to the respondent 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., Mumbai is directed to invest the balance 50% of the amount in the fixed deposit of a nationalized bank initially for a period of one year and for like period after obtaining further orders from this court.

7. Place this interim application along with Interim Application No.1 of 2019.

[R.D.DHANUKA, J.]