



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

**CIVIL APPLICATION NO.2418 OF 2019
IN
FIRST APPEAL NO.906 OF 2019**

General Manager,
Reliance General Insurance Co. Ltd. .. Applicant/Appellant
Vs.
Manesh Prabhudas Bhayani & Ors. .. Respondents

Ms. Shalini Shankar for the applicant/ appellant.
None for the respondents.

**CORAM : R.D.DHANUKA, J.
DATE : 27th November 2019**

P.C.:

1. Papers are allowed to be produced at 3.00 p.m.
2. Learned counsel for the applicant undertakes that her client would deposit entire decretal amount with interest upto the date of deposit within four weeks from today with the concerned MACT. Undertaking is accepted.
3. In view of the undertaking rendered by the learned counsel for the applicant, there shall be ad-interim relief in terms of prayer clause (a). It is made clear that no further extension of time would be granted. If the said amount is not deposited within the time prescribed, the ad-interim order passed by this Court to stand vacated without further reference to the Court.



4. The respondents (original claimants) are permitted to withdraw 50% of the amount deposited by the applicants with concerned MACT, at this stage, upon the respondents filing an undertaking before concerned MACT within four weeks from the date of communication of the order of deposit to the effect that if they do not succeed in this first appeal, they would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order. Copy of the undertaking shall be served upon the learned advocate appearing for the applicant within one week from the date of filing such undertaking. Amount would be withdrawn only after filing such undertaking.

5. It is made clear that if the undertaking is not furnished within four weeks from the date of communication of the order of deposit, the order passed by this Court allowing the respondents to withdraw 50% of the amount deposited by the applicant to stand vacated without further reference to the Court. In that event, the concerned MACT shall invest the said amount 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 concerned MACT is directed to invest the balance 50%



of the amount 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.

7. The applicant is directed to convey this order to the respondents for compliance and information.

8. Place this civil application on board along first appeal on 14th January 2020. Parties as well as the concerned MACT to act on the authenticated copy of this order.

R.D.DHANUKA, J.