

Mr. Annarao Mallikarjun Banshetti vs The Regional Manager, National ... on 27 January, 2020

Author: R.D.Dhanuka

Bench: R.D.Dhanuka

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2 OF 2019
IN
FIRST APPEAL (ST.) NO.21753 OF 2019

Annarao Mallikarjun Banshetti	..	Applicant
In the matter between		
The Regional Manager,		
National Insurance Co. Ltd.	..	Appellant
Vs.		
Annarao Mallikarjun Banshetti & Ors.	..	Respondents

Mr.Ajit Alange for the applicant/orig. respondent no.1.		
Ms.Urmila K. Sanil for the appellant.		

CORAM : R.D.DHANUKA, J.

DATE : 27th January 2020 P.C.:

. Papers are allowed to be produced at 3.00 p.m.

2. By this interim application, the applicant seeks withdrawal of the entire amount that is deposited by the appellant with the Trial Court for the reasons recorded in paragraph 5 of the civil application. The reasons recorded in the civil application are accepted.

3. At this stage, a case is made out by the applicant for withdrawal of 50% of the amount deposited by the appellant so far and 50% of the shortfall amount that would be deposited by the appellant with the Trial Court upon furnishing an undertaking before concerned Trial Court within four weeks from the date of communication of the ppn 2 505.ia-2.19 in fast-21753.19.doc order of shortfall deposit to the effect that if he does not succeed in this first appeal, he would return the amount that would be withdrawn with interest at such rate as this Court may direct by subsequent order.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 appellant 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 Amount would be withdrawn only after filing such undertaking.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 shortfall deposit, the order passed by this Court allowing the applicant to withdraw 50% of the amount to stand vacated without further reference to the Court. In that event, the concerned Trial Court 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 Trial Court 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.

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7. Place this interim application on board along Interim

Application No. 1 of 2019 in First Appeal No.21753 of 2019 and Civil Application No.109 of 2020 on 26th February 2020. Parties as well as the concerned Trial Court to act on the authenticated copy of this order.

R.D.DHANUKA, J.