Court No. - 46

Case :- FIRST APPEAL FROM ORDER No. - 218 of 2003

Appellant :- The New India Assurance Co. Ltd.
Respondent :- Mahesh Kumar Mishra And Others
Counsel for Appellant :- Satish Chaturvedi,Brijesh Chandra Naik,Mohan Srivastava

Hon'ble Mayank Kumar Jain,J.

1. The matter is listed before the National Lok Adalat.

2. Shri Abhishek Yadav, Assistant Manager, the authorized representative of Insurance Company identified by Sri Brijesh Chandra Naik, Advocate and has submitted an application requesting for dismissal of appeal as withdrawn/not pressed. The contents of application read as under:-

"(i). This appeal was instituted on certain arguable issues but during the pendency, the Apex Court as well as this Court has given judgments deciding the issue against appellant nothing remained to argue in this case in the light of various judgments passed by Hon'ble Apex Court as well as High Courts. Therefore, there is no reason to pursue this appeal thus give consent for dismissal of appeal as not pressed.

(ii). The appellant has moved this application under his/her free will and consent without any coercion/pressure of any kind.

(iii). The whole decreetal amount, as awarded, if not already paid, shall be paid within two months from today.

(iv). Amount deposited at the time of filing of appeal, if not already remitted by court below, be remitted forthwith and be allowed to be withdrawn by respondent.

(v). The appeal may be dismissed as withdrawn/not pressed.

(vi). This withdrawal shall not affect right to contest in case there is any Cross Appeal/ Cross Objection filed by Claimant(s) is pending, as on date, that may be listed before the Court for disposal in accordance with law."

3. The withdrawal application is taken on record.

4. In view of above, appeal stands **dismissed as withdrawn/ not pressed.**

5. The record of Tribunal, if received, shall be remitted forthwith.

Order Date :- 9.12.2023
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(Shivam Yadav, Adv.) **(Mayank Kumar Jain,J.)**

Digitally signed by :-
ASHOK KUMAR TRIPATHI
High Court of Judicature at Allahabad