

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO.1562 OF 2015
IN
FIRST APPEAL NO.2423 OF 2006**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms.Poonam Mital for the applicant

**CORAM : K. K. TATED, J.
DATED : 09/02/2016**

PC.:

. Heard the learned counsel for the applicant.

2 This application is preferred by Insurance Company (Appellant) for withdrawal of the statutory amount deposited by them at the time of filing First Appeal.

3 The learned counsel for the applicant submits that First Appeal No.2423 of 2006 stand dismissed in view of conditional order dated 10.1.2007 passed by this court for non-filing of private paper book within stipulated time.

4 The learned counsel for the applicant submits that as First Appeal stand dismissed, applicant Insurance Company may be permitted to withdraw the amount deposited by them at the time of filing First Appeal with accrued interest.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (a) which read thus:

“(a) That the amount deposited as Statutory deposit with interest be refunded to the Appellants Company as the First Appeal has been dismissed on 10th January, 2007.”

B) Applicant is entitled to withdraw the said amount without furnishing any security.

C) Civil application stands disposed off accordingly.

(K.K.TATED, J.)