

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

FIRST APPEAL NO. 772 OF 2016

AND

CIVIL APPLICATION NO. 1791 OF 2016

IN

FIRST APPEAL NO. 772 OF 2016

The Oriental Insurance Co Ltd

...Appellant

Versus

Shri Santosh Subai Yadav & Anr.

...Respondents

Mrs. Poonam Mital, for the Appellant.

Mr. T.J. Mendon, for Respondent No. 1.

CORAM : R.M. SAVANT, J.

DATE : 12th August 2016

P.C. :

1. The challenge in the above First Appeal is to the order dated 15th March 2016 by which order the Application for cancellation of the attachment warrant came to be rejected.

2. Having regard to the said challenge, a First Appeal would not lie. The learned Counsel appearing for the Appellant Mrs.

Poonam Mital seeks withdrawal of the above First Appeal with liberty to file appropriate proceedings. The above First Appeal is accordingly, allowed to be withdrawn with liberty to file appropriate proceedings challenging the order dated 15th March 2016.

3. The learned Counsel appearing for the Respondent No. 1 i.e. the Claimant, Shri. Mendon states that the Claimant would not withdraw the amount deposited by the Appellant in the MACT, Mumbai for a period of one week. Statement accepted.

4. The above First Appeal is accordingly disposed of.

5. Refund of Court fees as per rules.

6. In view of the withdrawal of the above First Appeal, the above Civil Application to accordingly stand disposed of.

[R.M. SAVANT, J.]