

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 18302 OF 2013
WITH
CIVIL APPLICATION NO. 2353 OF 2013
WITH
CIVIL APPLICATION NO.2354 OF 2013
WITH
CIVIL APPLICATION NO.1933 OF 2014

Shriram General Insurance Co. Ltd. ..Appellant/Applicant.
Versus
Shri Dadaso Appaso Gharage & Others. ..Respondents.

Mr. M.M. Sathaye, for Appellant/Applicant.
Mr. J.J. Bardeskar, for Respondent Nos. 1 & 2.

WITH
FIRST APPEAL (ST) NO. 18545 OF 2015
WITH
CIVIL APPLICATION NO. 1408 OF 2016
WITH
CIVIL APPLICATION NO.1409 OF 2016

Bajaj Allianz General Insurance Co. Ltd. ..Appellant/Applicant.
Versus
Mr. Tulsiram Gangaram Vaijal & Anr. ..Respondents.

**Mr. M.M. Sathaye, for Appellant/Applicant.
None for Respondents.**

CORAM : R. M. SAVANT, J.
DATE : 7th JULY, 2016

P.C.

1 The above Civil Application No.2353 of 2013 along with above
First Appeal has been listed for withdrawal. The Learned Advocate for the
Applicant/Appellant had withdrawn First Appeal (Stamp) No. 18545 of 2015

on 30th June 2016, when in fact, the instructions from the Insurance Company were as regards withdrawal of the above Civil Application No. 2353 of 2013 in First Appeal (Stamp) No.18302 of 2013. The Learned Advocate appearing on behalf of the Appellant as well as the Applicant in both the First Appeal and the Civil Application again tenders e-mail dated 9th May 2016 received from the Appellant, instructing him to withdraw the First Appeal arising out of MACP No. 558/2011 in the matter of Dadaso Appaso Gharage i.e. First Appeal St No.18302 of 2003. The said e-mail dated 9th May 2016 is again taken on record and marked 'X-1' for identification. In view of the fact that First Appeal (Stamp) 18545 of 2015 has been wrongly withdrawn, the same would have to be restored to file and is accordingly restored to file. In view of the said e-mail, the above First Appeal (Stamp) No. 18302 of 2013 along with Civil Application No. 2353 of 2013 is allowed to be withdrawn. The Civil Application No.1933 of 2014 and Civil Application No.2354 of 2013 filed in the said First Appeal to accordingly stand disposed of.

2 So far as First Appeal (Stamp) No. 18545 of 2015 is concerned, on restoration, to be placed on board on 21st July 2016 along with Civil Application Nos.1408 of 2016 and 1409 of 2016.

[R.M.SAVANT, J]