

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

**CIVIL APPLICATION NO.3052 OF 2015
IN
FIRST APPEAL NO.21 OF 2010**

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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Mr.T.J.Mendon for the applicant

Ms.Divya Menon i/b Mr.S.S.Vidyarthi for the respondent

**CORAM : K.K.TATED, J.
DATED : 29/01/2016**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by claimant for withdrawal of the amount deposited by the Insurance Company.
- 3 The learned counsel for the applicant submits that the present First Appeal No.21 of 2010 was dismissed for non compliance of conditional order for filing of paper book. Hence, applicant preferred present Civil Application for withdrawal of the amount. He submits that during the pendency of the present Civil Application, the Appellant Insurance Company preferred application for restoration of First Appeal and

same is allowed. He submits that in view of subsequent development, applicant may be permitted to withdraw the present Civil Application with liberty to file fresh Civil Application for same cause of action. Same is permitted.

4 Civil Application is dismissed as withdrawn with liberty as prayed.

(K.K.TATED, J.)