

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 38 OF 2014

SEEMA V. DHUME.,

... Petitioner

Versus

**THE UNITED INDIA INSURANCE CO.
LIMITED AND ANR.,**

... Respondents

Shri Rohit Bras De Sa, Advocate for the petitioner.

Shri A.N.S. Netravalkar, Advocate for the respondent No.1.

Shri Amir Jamadar, Additional Government Advocate for the respondent No.2.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 28th September 2018

P.C.:

Shri De Sa, learned Advocate seeks leave to withdraw the petition with a liberty to pursue his remedy of appeal before the High Court of Kerala after seeking the exclusion of time spent in pursuing the present petition under Section 14 of the Limitation Act. He also seeks withdrawal of amount deposited by him at the time of admission of the petition.

2. Shri Netravalkar, learned Advocate raised objection on the premise that he is the insurer and that there was an award passed by the Motor Accident Claims Tribunal, Manjeri, Kerala to the effect that the respondent-insurer were to recover the amount from the registered original owner.

3. Since however the amount was deposited by the petitioner at

the time of admission of the petition, the amount is released in favour of the petitioner and the time spent in pursuing the present petition under Section 14 of the Limitation Act shall stand excluded.

4. Liberty is granted to the petitioner.
5. The State shall be at liberty to pursue the notice of demand against the petitioner whose stay shall stand vacated.
6. Shri De Sa, learned Advocate prays for 30 days time for the order to take effect.
7. The petition stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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