

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (STAMP) NO.16303 OF 2018
ALONG WITH
CIVIL APPLICATION NO.2683 OF 2018
AND
CIVIL APPLICATION NO.2684 OF 2018

The Manager,
SHRIRAM General Insurance Co. Ltd., Thane Appellant-Applicant
V/s.
Baban Dattatraya Khaire and Anr. Respondents

Mr. Rahul Mehta, I/by M/s. KMC Legal Venture, for the Appellant-Applicant/Insurance Company.

None for the Respondents.

CORAM : **DR. SHALINI PHANSALKAR-JOSHI, J.**

DATE : **17TH OCTOBER, 2018.**

P.C. :

1. Civil Application No.2683 of 2018 is filed seeking condonation of delay in preferring the present First Appeal.
2. Heard Mr. Mehta, learned counsel for the Appellant-Applicant/Insurance Company. None present for the Respondents.
3. Learned counsel for the Appellant-Insurance Company seeks leave to withdraw this Appeal, along with Civil Application thereto, in view of

the amicable resolution of the dispute between the parties in Execution Proceedings being M.A.C.P. Darkhast No.23 of 2018 filed in Claim Application No.52 of 2014. A photocopy thereof is filed on record, which is marked as 'Annexure-A'.

4. In view thereof, for the reasons stated in the Civil Application No.2683 of 2018, as sufficient cause is made out, the delay of 11 days in preferring the First Appeal is condoned.

5. Consequently, the Appeal, along with Civil Application No.2684 of 2018, stands disposed off as withdrawn.

6. The amount of Rs.25,000/-, which is deposited by the Appellant-Insurance Company in this Court as a statutory deposit, be transferred to the concerned Tribunal. Appellant-Insurance Company is at liberty to withdraw the said amount.

[DR. SHALINI PHANSALKAR-JOSHI, J.]