

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

**CIVIL APPLICATION NO. 4733 OF 2016
WITH
CIVIL APPLICATION NO. 4734 OF 2016
IN
FIRST APPEAL ST. NO. 30344 OF 2016**

United India Insurance Company Limited ...Appellant

Versus

Master Mohammed Rasal Mohammed
Rafiq Mulla & Anr. ...Respondents

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Mr.Nikhil Mehta I/b. KMC Legal Venture for the Appellant.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : FEBRUARY 13 , 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. The learned Counsel for the appellant/ insurance company submits that the present Appeal was filed against the judgment and award dated 23.08.2010 passed by the learned Chairman, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 596 of 2009. He produces a copy of the order dated 18.02.2017 passed by the learned Member, Motor Accident Claims Tribunal,

Mumbai. He further submits that this Appeal has become infructuous, as the order in the main application under the provisions of Section 166 of the Motor Vehicles Act, 1988 has already been passed in favour of the appellant/ insurance company. Hence, he seeks permission to withdraw this First Appeal.

3. The learned counsel for the appellant is allowed to withdraw the First Appeal.

4. First Appeal is dismissed as withdrawn.

5. In view of dismissal of the First Appeal, Civil Applications do not survive and the same are accordingly disposed of.

6. The amount deposited by the appellant in this Court at the time of filing of Appeal shall be transferred to the Motor Accident Claims Tribunal, Mumbai and the liberty is given to the appellant to withdraw the same.

(MRIDULA BHATKAR, J.)