

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 FIRST APPEAL NO.107 OF 2006
WITH CA/328/2006
IN FA/107/2006
WITH CA/11021/2006
IN FA/107/2006

THE ORIENTAL FIRE & GENERAL
INSURANCE CO LTD THR DIVISIONAL
MANAGER

VERSUS

JUNAID ALAM KHAN & ORS

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Mr. V.N.Upadhye, Advocate for appellant.

Mr. M.K.Goyanka, Advocate for R – 3.

Mr. A.M.Gaikwad, Advocate for R – 5.

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CORAM: V.L. ACHLIYA,J.

DATE : 04/12/2019

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ORAL ORDER :

1. Learned counsel for appellant tendered withdrawal pursis. Withdrawal pursis is taken on record and marked as 'X' for identification.

2. Learned counsel for appellant submits that the appellant/Insurance Company has instructed to withdraw Appeal. Pursuant to instructions he has filed withdrawal pursis. He seeks permission to withdraw Appeal.

3. Learned counsel representing the respondent

No. 3 have no objection for withdrawal of Appeal.

Hence, the following order is passed.

ORDER

- [i] The Appeal is disposed of as withdrawn with no order as to costs.
- [ii] The amount, if any, deposited including statutory deposits and interest accrued thereon be transferred to Motor Accident Claims Tribunal, Ahmednagar, to be credited as amount paid by appellant-Insurance Company towards satisfaction of Award passed in M.A.C.P. No. 1170/1995 [Junaid Alam Khan V/s M.S.R.T.C. & Ors.] decided on 18/08/2005.
- [iii] Record and proceedings be sent back to the trial Court.

4. In view of disposal of withdrawal of Appeal, the Civil Application(s) filed in Appeal be marked as disposed of in terms of order in Appeal.

**[V.L.ACHLIYA]
JUDGE**

KNP