

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

FIRST APPEAL NO.1209 OF 2016

The Divisional Manager,
Bajaj Allianz General Insurance
Company Limited .. Appellant
Vs.
Smt. Bhimabai Sudhakar @ Sudam Dubale & Ors. .. Respondents

**ALONG WITH
CIVIL APPLICATION NO.3121 OF 2019**

Smt. Bhimabai Sudhakar @ Sudam Dubale & Ors. .. Applicants

In the matter between :-

The Divisional Manager,
Bajaj Allianz General Insurance
Company Limited .. Appellant
Vs.
Smt. Bhimabai Sudhakar @ Sudam Dubale & Ors. .. Respondents

Ms.Adoto Athawale i/by Ms.Yogita M. Deshmukh for the appellant/
applicant.
Mr.Pritesh K. Bohade for the respondent nos. 1 to 8.

**CORAM : R.D.DHANUKA, J.
DATE : 7th November 2019**

P.C.:

. Learned counsel for the appellant, on instructions, seeks
liberty to withdraw this first appeal unconditionally.

2. First appeal is dismissed as withdrawn. No order as to costs.
Refund of Court fees as per rules. Office is directed to transmit the papers
and proceedings filed by the appellant to MACT, Nashik in MACP
No.201 of 2009 expeditiously.

3. Since the appellant has withdrawn the appeal unconditionally, the respondents would be at liberty to apply for execution of the impugned judgment and award and to withdraw the amount deposited by the appellant.

4. If the respondents are aggrieved by the impugned judgment and award, the respondents would be at liberty to file separate appeal against the judgment and award passed by the MACT, Nashik. If any such first appeal is filed, the same would be considered on its own merit.

R.D.DHANUKA, J.