

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

**FIRST APPEAL NO. 851 OF 2019
WITH
CIVIL APPLICATION NO. 2972 OF 2016**

Salim Gulam Mohd. Shaikh (Since deceased)
through legal heirs Shamim Asgar Shaikh & Ors. Appellants.

Vs.

Vasantben Ramniklal Bhuta & Ors. Respondents

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D. P. Singh for the Appellants.
Mr. Netaji i/b. Sanjay Udeshi & Co. for Respondent No.1.
Sumedha Sawant i/b N. M. Amin & Co. For Respondent No.2.

CORAM : K.K.TATED, J.
DATED : SEPTEMBER 17, 2019

P.C.

- 1 Today the matter is shown on production board as per praecipe filed by the advocate for the Appellant for urgent orders.
2. Heard Learned Counsel for the Appellant.
3. By this First Appeal, the Appellant insurance company is challenging the Judgment and award dated 16th April, 2015 passed by the Motor Accident Claims Tribunal, Pune in Motor Accident Claim Petition No. 371 of 2008 holding that the Respondents/Original Claimants are entitled to sum of Rs. 5,03,000/- by way of compensation with interest @ of 8% p.a.

4. The Learned Counsel for the Appellant submits that, he has received instructions from his client to withdraw the First Appeal as well as Civil Application. To that effect he has given in writing. The same is taken on record and marked as 'X' for identification. The same is accepted.
5. The First Appeal as well as Civil Application stand disposed of as withdrawn.
6. Refund Court fees as per rules.
7. If any amount is deposited by the Appellant during the pendency of the present First Appeal in the Registry of this Court, same to be transferred along with accrued interest to the Motor Accident Claims Tribunal in the account of Motor Accident Claim Petition No. 371 of 2008.
8. The Appellant is permitted to make an appropriate application before the Tribunal for withdrawal of the said amount.

(K.K.TATED, J.)