

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

**FIRST APPEAL NO.1117 OF 2017
ALONG WITH
CIVIL APPLICATION NO.2080 OF 2019**

The Original Insurance Co. Ltd. .. Appellant/Applicant
Vs.
Janardan Sitaram Vibhute & Ors. .. Respondents

Mr.Devendranath S. Joshi for the appellant.
None for the respondents.

**CORAM : R.D.DHANUKA, J.
DATE : 2nd December 2019**

P.C.:

- . Papers are allowed to be produced at 3.00 p.m.
2. Mr.Joshi, learned counsel for the appellant, on instructions, seeks liberty to withdraw this first appeal unconditionally.
3. First appeal is dismissed as withdrawn. In view of withdrawal of the first appeal, civil application does not survive and is accordingly disposed of. Office is directed to transmit the statutory deposit of Rs.25,000/- if not transmitted so far to the concerned MACT expeditiously. Refund of Court fees, if any, as per rules. The appellant is directed to convey this order to the respondents' advocate.
4. Since the appellant has withdrawn this first appeal, the respondents would be at liberty to withdraw the amount as deposited by

the appellant and also the amount of Rs.25,000/- transmitted, if any, by this Court to the concerned MACT on production of authenticated copy of this Court. If there is any shortfall in recovering the decretal amount, the appellant would be at liberty to execute the decree in respect of the balance amount. If there is any surplus left after making payment of decretal amount by the appellant, the same shall be refunded to the appellant on production of authenticated copy of this Court. Parties as well as the executing Court to act on the authenticated copy of this order.

R.D.DHANUKA, J.