

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****FIRST APPEAL NO. 935 OF 2016****ICICI Lombard General Insurance Co. Ltd. Appellant****VERSUS****Smt. Vaishali Dhole & Ors. Respondents****ALONGWITH****CIVIL APPLICATION NO. 4204 OF 2015****IN****FIRST APPEAL NO. 935 OF 2016****Smt. Vaishali Dhole & Ors. Applicants****IN THE MATTER OF****ICICI Lombard General Insurance Co. Ltd. Appellant****VERSUS****Smt. Vaishali Dhole & Ors. Respondents**

Mr.Nikhil Mehta, a/w. Mr.Rahul Mehta, i/b. M/s.KMC Legal Venture
for the Appellant/Applicant.

Ms.Rina Kundu for the Respondents/Applicant in CAF/4204/2015.

CORAM : R.D. DHANUKA, J.**DATE : 28th NOVEMBER, 2019****P.C.**

Mr.Mehta, learned counsel for the appellant on instruction seeks liberty to withdraw first appeal unconditionally. First appeal is dismissed as withdrawn. No order as to costs.

2. Refund of court fees, if any, as per rules.

3. In view of the withdrawal of the first appeal by the appellant, the original applicants would be at liberty to withdraw the entire amount

deposited by the appellant before the M.A.C.T.

4. Office is directed to transmit the statutory deposit of Rs.25,000/- deposited by the appellant to the concerned M.A.C.T. expeditiously.

5. If there is any shortfall in recovering the decretal amount out of the amount deposited by the appellant, the original applicants would be at liberty to execute the decree in respect of the balance amount. If there is any surplus amount after payment of the decretal amount to the original applicants, such surplus amount shall be returned to the appellant.

6. The parties as well as the executing court to act on the authenticated copy of this order.

7. If the original applicants seek to file any separate appeal against the impugned judgment and order, the original applicants would be at liberty to file such appeal in accordance with law.

8. All pending civil applications are disposed of in view of the withdrawal of the first appeal.

[R.D.DHANUKA, J.]