

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO.4134 OF 2016****IN****FIRST APPEAL NO. 1498 OF 2005****Mihir Satish Wakde****..... Applicant****IN THE MATTER OF****The United India Insurance Co. Ltd.****..... Appellant****VERSUS****Mihir Satish Wakde & Anr.****..... Respondents**

Ms.Varsha Chavan for the Appellant/Applicant.

Mr.A.M.Gokhale for the Respondent no.1.

CORAM : R.D. DHANUKA, J.**DATE : 9th DECEMBER, 2019****P.C.**

By this civil application, the applicant seeks withdrawal of the decretal amount along with accrued interest. Mr.Gokhale, learned counsel for the applicant states that though his client has prayed for withdrawal of the balance decretal amount and has also prayed for expeditious hearing of the first appeal, he will not press for withdrawal if the first appeal is expedited. Statement is accepted.

2. The appellant has already filed private paper book.

3. I have perused the observations made by the Division Bench of this court in order dated 29th August, 2005 in Civil Application No. 3696 of 2005 in First Appeal No. 1498 of 2005 about the nature and

injury suffered by the applicant in the accident while permitting the applicant to withdraw a sum of Rs.25,00,000/- unconditionally. Considering the facts of this case, hearing of the first appeal is expedited. Place first appeal on board at the bottom of the admission board on **22nd January, 2020**.

4. Civil application is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]