

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

FIRST APPEAL (ST) NO.27108 OF 2009

WITH

CIVIL APPLICATION NO.4470 OF 2009

WITH

CIVIL APPLICATION NO.4471 OF 2009

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.D.R.Mahadik for the appellant

**CORAM : K. K. TATED, J
DATE : APRIL 15, 2019**

P.C.:

. Heard.

2 The learned counsel for the appellant submits that they filed the present First Appeal challenging the order below Exhibit 2 in Claim Application No.980 of 2007 under section 140 of the Motor Vehicles Act, 1988. He submits that during the pendency of the present First Appeal, Claim Application No.980 of 2007 is decided by MACT, Mumbai on its own merits. He submits that he

already filed First Appeal challenging the said final order. He submits that in view of subsequent development, he received instructions from his client to withdraw the present proceeding. To that effect he has given in writing. Same is taken on record and marked 'X' for identification. Same is accepted.

3 The learned counsel for the Appellant submits that at the time of filing the present First Appeal, they deposited sum of Rs.25,000/- in the Registry of this court. He submits that said amount be transferred to MACT, Mumbai in Claim Application No.980 of 2007 along with accrued interest.

4 Considering these facts, following order is passed :

- a First Appeal as well as both the Civil Applications stand disposed of as withdrawn.
- b. Registry is directed to transfer sum of Rs.25,000/- if deposited by the appellant at the time of filing First Appeal along with claim application with accrued interest in Claim Application No.980 of 2007 immediately.
- c. Refund of court fee as per rules.
- d. No order as to costs.

(K.K.TATED, J.)