

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

FIRST APPEAL (ST). NO. 31039 OF 2011  
WITH  
CIVIL APPLICATION NO. 87 OF 2012  
WITH  
CIVIL APPLICATION NO. 88 OF 2012

The Oriental Insurance Co. Ltd.

...Appellant.

***Versus***

Subhash Shri Niwas Rao and Ors.

...Respondents

...

Mr. S.D. Joshi, Advocate for Appellant.

Mr. T. J. Mendon, Advocate for the Respondents.

...

CORAM : K.K.TATED, J.  
DATED : SEPTEMBER 27, 2019

**PC.**

1. Heard learned Counsel for the parties.
2. By this First Appeal, the Appellant-Insurance Company is challenging the Judgment and Award dated 10<sup>th</sup> December 2010 passed by Motor Accident Claims Tribunal, Mumbai in Motor Accident Claim Petition No. 4105 of 1998 holding that the Respondents/Claimants are entitled a sum of Rs. 7,22,952/- by way of compensation with interest. There is delay in filing the First Appeal, hence they preferred Civil Application No. 87 of 2012.
3. Advocate for Appellant submits that, he has received instructions from his client to withdraw the First appeal as well as pending Civil Application No. 87 of

2012 and Civil Application No. 88 of 2012. To that effect, he has given in writing. The same is taken on record and marked 'X' for identification. The same is accepted.

4. First Appeal as well as pending Civil Applications stand disposed of as withdrawn.

5. No order as to costs.

6. The sum of Rs. 25,000/- deposited by the Applicant at the time of filing the First Appeal be transferred along with accrued interest to Motor Accident Claims Tribunals Mumbai, in the the account of Motor Accident Claim Petition No. 4105 of 1998.

**(K.K.TATED, J.)**