

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

901 FIRST APPEAL NO.3476 OF 2011

THE ORIENTAL INSURANCE CO.LTD
BR.BULDHANA THROUGH SR.DIVISIONAL
MANAGER AURANGABA

VERSUS

BHAGWAN PIRAJI BARDE AND ORS

...
Mr.R.A.Karwa h/f Mr.R.F.Totla,
Advocate for appellant.
Mr.V.P.Golewar, Advocate R – 5.

...
CORAM : V.L.ACHLIYA,J.
DATE : 17/01/2020
...

ORAL ORDER:

1. Heard learned counsel for appellant and respondent No. 5.
2. The Appeal is preferred challenging the order dated 29/04/2009 passed by M.A.C.T., Jalna in exercise of powers u/s 140 of Motor Vehicles Act.
3. Learned counsel for appellant as well as counsel representing respondent No. 5/owner of vehicle involved in the accident submit that during the pendency of appeal, the claim petition has been decided on merit vide Judgment and order dated 14/06/2013. The

Tribunal has dismissed claim petition as against appellant/Insurance Company. They further submit that there was stay operating in the matter to the impugned order.

4. In view of disposal of claim petition on merit by the Tribunal, learned counsel for appellant seeks permission to withdraw appeal. Allow to withdraw.

5. The Appeal is dismissed as withdrawn. The statutory deposit, if any made, the same be refunded to the appellant with interest, if any, accrued over the same.

6. Appeal stands disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP