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

**FIRST APPEAL NO. 1055 OF 2017
WITH
CIVIL APPLICATION NO. 2953 OF 2017
IN
FIRST APPEAL NO. 1055 OF 2017**

ICICI Lombard General Insurance Co. Ltd. ... Appellant/
Applicant
V/s.

Smt. Sunita Uttam Salunkhe and Ors. ... Respondents

.....
Ms. Rui Danawala i/by M/s. Res Juris for the Appellant/Applicant.

None for the Respondents.

.....
CORAM : R.D. DHANUKA, J.
DATE : 7th JANUARY, 2020.

P.C.:

. Papers are allowed to be produced at 3:00 p.m.

2. Learned counsel appearing for the appellant on instruction seeks liberty to withdraw this First Appeal on the ground that matter is settled outside the Court. Statement is accepted.

3. First Appeal No.1055 of 2017 is dismissed as withdrawn. In view of the withdrawal of the First Appeal, Civil Application No. 2953 of 2017 does not survive and is accordingly disposed off. No order as to costs. The refund of court fees, if any, as per the rules.

4. In view of the withdraw of the First Appeal, the original applicant would be at liberty to withdraw the entire amount deposited by the appellant with accrued interest. If there is any shortfall in the amount of deposit, the appellant is directed to deposit the amount within two weeks from the date of computation of such shortfall. If there is any surplus in the amount deposited by the appellant, Tribunal to refund the surplus amount to the appellant.

5. Parties as well as the Tribunal to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)