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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.2122 OF 2007
WITH
CIVIL APPLICATION NO.3328 OF 2019

National Insurance Co. Ltd. ...Appellant
V/s.
Smt.Reshma B. Athavale & Ors. ...Respondents

Ms.Poonam Mital for the Appellant.

Mr.Rohan Mahadik with Ms.Roshini Thakkar and Mr.Nilesh Lonkar
i/b The Juris Partners for the Respondent Nos.1 to 4 / Applicants in
C.A. No.3328 of 2019.

CORAM : R.D. DHANUKA, J.
DATE : 3RD FEBRUARY, 2020.

P.C. :-

1. Ms.Mital, learned counsel appearing for the appellant on instructions seeks liberty to withdraw this first appeal unconditionally. The first appeal is dismissed as withdrawn.
2. Refund of Court fees, if any, as per Rules.
3. The office is directed to transmit the statutory deposit of Rs.25,000/- to the M.A.C.T., Pune expeditiously. Upon such transmission, the appellant would be at liberty to withdraw the said amount of Rs.25,000/-.
4. In view of withdrawal of the First Appeal, the applicants

would be at liberty to withdraw the entire decretal amount with interest out of the amount deposited by the appellant before the M.A.C.T., Pune. If there is any short fall in recovering the decretal amount, the appellant shall deposit the balance amount within two weeks from the date of computation of short fall by the M.A.C.T. If there is any surplus amount left after payment of the decretal amount, the Tribunal shall refund the said amount to the appellant on production of an authenticated copy of this Court. Appellant is directed to convey this order to the respondents.

5. In view of withdrawal of the First Appeal No.2122 of 2007, the Civil Application No.3328 of 2019 does not survive and is accordingly disposed off. No order as to costs.

(R.D. DHANUKA, J.)