

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 FIRST APPEAL NO.674 OF 2018
WITH CA/571/2017 IN FA/674/2018

BAJAJ ALIANZ GENERAL INSURANCE CO. LTD.,
AURANGABAD

VERSUS

MAHANANDA BIBHISHAN BHOJNE AND ORS

...

Mr S.G. Chapalgaonkar, Advocate for appellant
Mr Sanjay A. Nandure, Advocate for respondents no.1 to 3 - absent

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd NOVEMBER, 2021

PER COURT :

1. Heard Mr S.G. Chapalgaonkar, learned Counsel for the appellant. He submits that the appellant/Insurance Company does not want to prosecute the appeal in view of the fact that main claim under Section 166 of the Motor Vehicles Act has been decreed by the Tribunal and Insurance Company has decided to satisfy that award. There is no point to continue this appeal, which is preferred against order of N.F.L. passed under Section 140 of the Motor Vehicles Act. He seeks further direction to the Registry to return the amount deposited by the Insurance Company.

2. Mr Chapalgaonkar, learned Counsel for the appellant seeks permission to place on record withdrawal purshis along with written instructions received from the Insurance Company. The same is taken on record and marked as Article "X" for identification.

3. Mr Chapalgaonkar further submits that he has given intimation to Mr Sanjay A. Nandure learned Counsel appearing for respondents no.1 to 3. However, he is not present before this Court.

4. In view of permission sought for by the appellant/Insurance Company for simple withdrawal of the appeal, there is no need to wait for learned Counsel for respondents no.1 to 3 and in view of submissions made by learned Counsel for the appellant, prayer needs to be allowed.

ORDER

(I) Leave granted to the appellant to withdraw the appeal.

(II) The appeal stands disposed of as withdrawn.

(III) The amount deposited by the appellant/Insurance Company with the Registry be returned to the appellant/Insurance Company along with accrued interest thereon.

(iv) Court fees refund certificate be issued in favour of the appellant as per the Rules.

(IV) Civil Application also stands disposed of in view of withdrawal of appeal.

(V) First Appeal and Civil Application stand disposed of accordingly. No order as to costs.

(SHRIKANT D. KULKARNI, J.)