

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1409 OF 2016**

A/W

CIVIL APPLICATION NO.3409 OF 2016

A/W

CIVIL APPLICATION NO.3438 OF 2015

H.D.F.C. General Insurance Company Ltd.] Appellant

Vs.

Lily Antonio Lobo and others.] Respondents

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Mr. Abhijeet P. Kulkarni, for Appellant in First Appeal No.1409 of 2016 and for Respondents in Civil Application No.3409 of 2016.

Mr. T.J. Mendon for Respondents No.1 and 2 in First Appeal No.1409 of 2016 and Civil Application No.3438 of 2015 and Applicant in Civil Application No.3409 of 2016.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 24th FEBRUARY, 2021.

P.C.

1. Mr. Abhijit Kulkarni, learned Counsel for the appellant has moved this praecipe for withdrawal of the appeal and refund of the Court fees.

2. It is submitted that an Award was passed on 2nd September, 2014 by the learned Member, M.A.C.T, Mumbai in M.A.C.P No.1395 of 2006 in the sum of Rs.10,05,500/- with interest @ 6%

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p.a from the date of filing of the Petition till realisation of the amount. The appellant had deposited an amount of Rs.15,60,921/-. Out of the said amount, the respondents-claimants have already withdrawn Rs.8,00,000/- on 15th September, 2017. Now, there is a balance amount of Rs.7,60,921/- with accrued interest.

3. It is submitted that the parties have settled the dispute full and finally in the sum of Rs.8,00,000/- and consent terms have been filed before the M.A.C.T. Statements are accepted.

4. In view of the statements made by Mr. Kulkarni, the appeal is permitted to be withdrawn.

5. The appeal stands disposed of as withdrawn.

6. In view of disposal of the appeal, pending applications, if any, shall stand disposed of.

7. Court fees be refunded as per the rules.

8. Statutory deposit, if any, be transferred to M.A.C.T., Mumbai.

9. The learned Member, M.A.C.T, Mumbai thereafter shall proceed further, in accordance with law, in respect of the said statutory deposit.

[PRITHVIRAJ K. CHAVAN, J.]