

Dinesh
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Sherla

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4346 OF 2018
IN
FIRST APPEAL (ST) NO. 18308 OF 2018
WITH
CIVIL APPLICATION NO. 4347 OF 2018**

Bajaj Allianz General Insurance
Company Ltd. ... Applicant/Appellant
V/s.
Mr. Ashok M. Chavan and ors. ... Respondents

Mr. S.S. Diwan for the Appellant/Applicant.

**CORAM : N.R. BORKAR, J.
DATE : JANUARY 25, 2021.**

P.C.

- 1] Not on board. Upon mentioning taken on board.

- 2] The applicant has filed the appeal against the interim award passed by the learned Member, Motor Accident Claims Tribunal, Mumbai under Section 140 of Motor Vehicle Act, 1988. In view of delay in filing the said appeal, the present application is taken out.

- 3] Learned counsel for the applicant seeks leave to withdraw the present application. Leave as prayed for is granted. Civil Application No.4346 of 2018 is rejected as withdrawn.

4] Consequently, First Appeal (St) No.18308 of 2018 is also dismissed.

5] Civil Application No.4347 of 2018, which is for stay, does not survive and the same stands disposed of.

6] Learned counsel for the applicant states that the statutory deposit of Rs.25,000/- was made at the time of filing of the present appeal before this Court. The Registry shall transfer the said amount with interest, if any, to the concerned Tribunal.

7] The Court fees shall be refunded to the applicant as per the rules.

8] Needless to state that all contentions of the parties are kept open and the Tribunal shall decide the claim petition under Section 166 of the Motor Vehicle Act, 1988, on its own merits, without being influenced by withdrawal of present application.

(N.R. BORKAR, J.)