

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1196 OF 2016
ALONG WITH
CIVIL APPLICATION NO.3316 OF 2016
ALONG WITH
INTERIM APPLICATION NO.3443 OF 2019

Shriram General Insurance Company
Ltd. Through Satpal Singh Rajput,
Legal Manager. .. Applicant

Vs.

Jyotirling Bassappa Jarli & Ors. .. Respondents

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Mr. Nikhil Mehta i/b KMC Legal Venture for the applicant.

Mr. Chetan G. Patil for the respondent.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 06TH OCTOBER, 2021.

P.C:-

1. The appellant – Insurance Company has instituted the appeal being aggrieved by the judgment and award dated 07/04/2016 passed by MACT, Gadhingalj in MACT Application No.38 of 2014.

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2. On the appeal being instituted, Civil Application No.3316 of 2016 was taken out praying for stay of the effect and operation of the judgment and award impugned. On 21/07/2016, while the respondents being noticed, the court granted ad-interim stay in terms of prayer clause (a) subject to the stipulation that the appellant shall deposit the entire decretal amount in the MACT at Gadhinglaj before the returnable date. Learned counsel for the appellant makes a specific statement to the effect that an amount of Rs.8,49,962/- is deposited in the MACT at Gadhinglaj on 03/08/2016.

3. Learned counsel for the appellant states that the appellant is not desirous of pressing the appeal and he has instructions to make a statement that the appellant will not object to the withdrawal of the decretal amount deposited by them in the MACT at Gadhinglaj by the original claimants. Learned counsel for the respondents states that he shall forthwith make an application for withdrawal of the amount with an understanding that the appellant has no objection to the withdrawal.

4. The appeal is permitted to be withdrawn subject to two stipulations that the pre deposit of Rs.25,000/- in this court shall be remitted to the MACT at Gadhinglaj and the appellant shall be permitted to withdraw the same and the second stipulation that the court fees paid by the appellant on the first appeal shall

be permitted to be refunded to them as per rule.

5. The request made by the appellant deserves a consideration since the appellant is not desirous of prosecuting the appeal and is ready to accept the impugned judgment and award. The appeal is permitted to be withdrawn and stands disposed of as such. The pre deposit amount deposited with this court while instituting the appeal along with interest shall be transferred to the MACT, Gadhinglaj and the said Tribunal shall permit the said amount to be withdrawn by the appellant. The appellant shall also be refunded the court fees, as per rule.

6. In view of the withdrawal of the appeal, the interim applications shall stand disposed of.

[SMT. BHARATI DANGRE, J.]