

Bhogale

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.921 OF 2009
WITH
CIVIL APPLICATION NO.5446 OF 2008
IN
FIRST APPEAL NO.921 OF 2009**

ICICI Lombard General Insurance Company Limited .. Appellant

vs.

Mahadeo Kisan Kolpe & ors. .. Respondents

Mr. Nikhil Mehta I/b. KMC Legal Venture for the Appellant.

None for the Respondents.

CORAM : M.S.KARNIK, J.

DATE : MAY 25, 2021

(THROUGH V.C.)

P.C.

Heard learned counsel for the Appellant.

2. A praecipe dated 21.05.2021 has been filed seeking leave to withdraw the First Appeal. Learned counsel for the Appellant prays for withdrawal of the Appeal in terms of what is stated in the praecipe. Accordingly, the present Appeal is allowed to be withdrawn on the following terms :-

(i) The amount deposited by the Appellant in the trial Court along with accrued interest, if any, is allowed to be withdrawn by the Original Claimants.

(ii) It is stated by learned counsel for the Appellant that a sum of Rs.25,000/- is deposited in this Court. The amount

deposited in this Court along with accrued interest, if any, be transferred to the trial Court with liberty to the Appellant to withdraw the same (to the extent of Rs.25,000/- along with accrued interest, if any, deposited in this Court).

3. The Appeal is accordingly allowed to be withdrawn. Civil Application/s if any to stand disposed of in view of the disposal of this Appeal. Office objection if any to stand dispensed with.

4. The Appellant is entitled to refund of Court fees as per the Rules.

5. No order as to costs.

(M.S.KARNIK, J.)