

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

**FIRST APPEAL NO. 879 OF 2003
WITH
CIVIL APPLICATION NO. 4335 OF 2002
IN
FIRST APPEAL NO. 879 OF 2003**

Oriental Insurance Co. Ltd. Appellant
v/s.

Samir Hamid Mullani (since
deceased through legal heirs) :
Hamid Immam Mulani and ors. Respondents

Mr. S.S. Vidyarthi a/w. Ishita Bhole for the Appellant.
Mr. Niranjana Bhavake i/b. Bhavake and Associates
for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 18th JULY, 2022.

P. C. :-

. Learned counsel for the Appellant, under instructions, seeks leave to withdraw the Appeal. Leave is granted. Appeal is dismissed as withdrawn. Civil Application stands disposed of in view of withdrawal of the Appeal. Court fees as permissible under the rules, be refunded. Statutory deposit, if not transferred, be transferred to MACT, Kolhapur.

2. It is stated that the Respondent-claimant is 80 years of age. Hence, the compensation deposited by the Appellant – Insurance

Company be paid to the Respondent – claimant as per the impugned judgment and award with accrued interest thereon as expeditiously as possible.

3. Learned counsel for the Appellant states that the Appellant – Insurance Company had deposited excess amount. The Claims Tribunal to verify the said statement and in the event the Insurance Company has in fact deposited amount more than the decretal amount, the excess amount with proportionate interest be refunded to the Appellant – Insurance Company.

**PREETI H
JAYANI**

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by PREETI H
JAYANI
Date: 2022.07.26
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(SMT. ANUJA PRABHUDESSAI, J.)