

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST) NO.27448 OF 2016  
WITH  
CIVIL APPLICATION NO.648 OF 2017  
AND  
CIVIL APPLICATION NO.647 OF 2017  
IN  
FIRST APPEAL (ST) NO.27448 OF 2016**

**RELIANCE GENERAL INSURANCE COMPANY )  
LIMITED )...APPELLANT**

**V/s.**

**SMT. SAVITA ASHOK SALVE AND OTHERS )...RESPONDENTS**

Ms.Kalpana Trivedi, Advocate for the Appellant.

Mr.Sainand Chaugule, Advocate for the Respondents.

**CORAM : SMT. BHARATI DANGRE, J.**

**DATE : 6<sup>th</sup> APRIL 2022**

**P.C. :**

1 Civil Application No.647 of 2017 is filed by the appellant for condonation of delay by 2 years and 225 days in presenting the appeal. On notice being issued to the respondents, they are represented by learned counsel Mr.Sainand Chaugule.

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2 On perusal of the application and the reasons stated therein and particularly when the respondents do not oppose the delay, the same is condoned.

Civil Application No.647 of 2017 stands disposed of.

3 Learned counsel Ms.Trivedi appearing for Insurance Company states that the appeal was filed by the appellant on a limited ground, that the driver of the insured vehicle was holding valid driving license only for light vehicle (L.M.V) and non-transport vehicle and the vehicle was registered as tourist vehicle. She submits that in the wake of the decision of the Hon'ble Apex Court in the case of **National Insurance Co. Ltd. vs. Swaran Singh and Others**<sup>1</sup> the position of law being settled, the appellant is not desirous of continuing the appeal and seeks its withdrawal.

4 The appeal is permitted to be withdrawn and stand disposed of.

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<sup>1</sup> (2004) 3 SCC 297

5 In the wake of withdrawal of the appeal, the claimant is held entitled to withdraw the entire amount deposited by the Insurance Company before the Tribunal.

In the wake of withdrawal of the appeal, the Court fees shall be refunded to the appellant. Similarly, the amount deposited by the Insurance Company as a statutory deposit shall also be remitted to the Tribunal, which shall be permitted to be appropriated by the appellant.

**(BHARATI DANGRE, J.)**