

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 103 OF 2023

Bajaj Allianz General Insurance Company Ltd.

... Appellant

Versus

Usha Ashok Limhan and Ors.

... Respondents

Mr. Sarthak Diwan, Advocate for the Appellant.

Mr. Yogesh Pande, Advocate for Respondent Nos. 1 and 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 22nd MARCH, 2024.

P.C. :

1. Heard learned counsel for the appellant.
2. Learned counsel for the appellant seeks leave to withdraw the appeal.
3. Considering the request of learned counsel for the appellant, appeal is allowed to be withdrawn.
4. Dismissed and disposed off.
5. Learned counsel for the appellant submits that the Tribunal has fixed 50% liability on the appellant and 50% liability on the respondent No.5 – Insurance Company. However, mistakenly appellant has deposited entire award amount along with accrued interest thereon. Hence appellant be permitted to withdraw 50% amount along with proportionate interest.

6. Since the claimants have already withdrawn the entire amount, the appellant is entitled to withdraw 50% extra amount lying with the Tribunal.
7. Statutory amount along with accrued interest be transferred to the Tribunal.
8. Refund of Court fees as per rules.

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(SHIVKUMAR DIGE, J.)