

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

FIRST APPEAL NO. 1171 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Rahul Mehta i/b KMC Legal Venture for the appellant.

Mr. S.G. Thorat for the respondent nos. 1 & 2.

CORAM : K. K. TATED, J.

DATED : 15/04/2015.

PC.:

. Heard learned Counsel for the parties.

2 This appeal is preferred by insurance company challenging the judgment and award dated 24.12.2013 passed by M.A.C.T., Mumbai in Application no. 1707 of 2004 holding that insurance company initially to pay the compensation and recover from the owner.

3 The learned counsel for the appellant insurance company submits that the Tribunal in paragraph 41 specifically held that insurance company is not liable to indemnify the insured as the deceased has been held to have been a gratuitous passenger in the Utility Jeep in question when it met with an accident.

4 The learned counsel for the insurance

company submits that the deceased was traveling in goods vehicle without any goods. Hence, insurance company is not liable to pay compensation.

5 **ADMIT.**

6 Appellant is directed to file private paper book within one year from today, failing which, First Appeal shall stand dismissed without referring back to the court.

7 Printing and filing of Roznama is dispensed with.

8 The learned Counsel for respondent nos. 1 & 2 waives service.

(K.K.TATED, J.)