

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

**FIRST APPEAL NO. 790 OF 2014**

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| 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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Ms. S.S. Dwivedi for the appellant.

**CORAM : K. K. TATED, J.  
DATED : 08/07/2015.**

**PC.:**

. Heard learned Counsel for the appellant.

2 This appeal is preferred by insurance company challenging the award dated 02.04.2014 passed by the Motor Accident Claims Tribunal, Mumbai below Application no. 1630 of 2012 under Section 140 of M.V. Act directing insurance company to deposit sum of Rs.50,000/- with 9% interest by way of compensation.

3 The learned Counsel for the appellant submits that in accident which occurred on 29.12.2011, the deceased was traveling in a vehicle which was insured under Act of Policy and not covered the gratuitous passenger. Hence, insurance company is not liable to pay compensation. In support of this contentions, the learned Counsel for the appellant insurance company relies on the Judgment of our

High Court in the matter of *United India Insurance Co. Ltd. v/s. Manohar Mahadeo Kaphale & Anr. reported in 2012 ACJ 1880.*

4 Considering the submissions made by the learned Counsel for the appellant and authority in the the matter of *United India Insurance Co. Ltd* (Supra), I am of the opinion that appellant has made out case for admission of this appeal.

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 Liberty granted to the appellant to serve the respondents by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

**(K.K.TATED, J.)**