

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

FIRST APPEAL (ST). NO.33856 OF 2012

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.D.S.Joshi for the appellant

Mr.S.A.Tarale for the respondent

CORAM : K.K.TATED, J.

DATED : 20/04/2015

PC:

1 Not on board. At the request of Advocate for the appellant, matter is taken on board for urgent orders.

2 This appeal is preferred by the Insurance Company challenging the judgment and award dated 16.1.2012 passed by MACT, Pune in MACP No.1192 of 2006 holding that the respondents claimants are entitled sum of Rs.4,23,000/- with 7% interest by way of compensation.

3 The learned counsel for the appellant submits that the Tribunal erred in coming to the conclusion that they are liable to pay compensation though there was breach of the terms and conditions of the policy. He submits that the deceased was travelling as a gratuitous passenger. Therefore Insurance Company is not liable to pay any compensation. Considering these facts, I am

satisfied that appellant has made out a case for admission of the First Appeal. Hence, following order:

- (a) Admit.
- (b) 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.
- (c) Printing and filing of Roznama dispensed with.
- (d) The learned Counsel for respondent waives service.

(K.K.TATED, J.)