

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

FIRST APPEAL NO. 128 OF 2016

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. Abhijeet Desai with Vrushali Maindad for the Appellant.

**CORAM : K. K. TATED, J.
DATED : 11/02/2016**

PC.:

. Heard learned Counsel for the Appellant.

2 This appeal is preferred by Respondent owner of the offending vehicle challenging the Judgment and Award dated 29.09.2015 passed by the Motor Accident Claims Tribunal, Kolhapur in M.A.C.P. No. 510 of 2007 by which the Tribunal held that the respondents-claimants are entitled to Rs.13,05,301/- with 9% interest per annum by way of compensation.

3 The learned Counsel for the Appellant submits that the Tribunal failed to consider the contributory negligence at the time of fixing the compensation.

4 Considering the submissions made by the

learned Counsel for the Appellant and after perusing the impugned Judgment and Award, I am satisfied that Appellant has made out case for 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 is dispensed with.

(K.K.TATED, J.)