

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 542 OF 2019

Raju M. Shirguppe	...Appellant
Vs.	
Madhukar Bhau Kore and Ors.	...Respondents

Mr. J.J. Bardeskar for the Appellant

CORAM: K.K. TATED, J.

DATED : JUNE 19, 2019

P.C. :

1. Heard learned counsel Mr. J.J. Bardeskar for the Appellant.
2. By this First Appeal, the Appellant -Original Opponent No.1 is challenging the judgment and award dated 28th November, 2018 passed by the Motor Accident Claim Tribunal, Kolhapur in MACP No. 195 of 2015, holding that the Respondents – Original Claimants are entitled sum of Rs. 7,35,904/- by way of compensation with interest @ 7% p.a.
3. Learned counsel for the Appellant submits that in the present proceedings, they examined PW-2 Rajendra, who was serving as Bank Manager in Ratnakar Bank Ltd. where deceased was working. He submits that the said witness specifically stated that the legal heirs of the deceased got Rs.15,00,000/- and Rs.5,00,000/- from Birla Sunlife Insurance. He submits that at the time of calculating the additional compensation to the Respondents-Claimants, the Tribunal failed to deduct the same of Rs.5,00,000/-recovered by the legal heirs from Birla Sunlife Insurance under policy term life insurance. Therefore, they have

good chance of success in the present proceeding.

4. Considering the submission made by the learned counsel for the Appellant and impugned judgment and award, I am satisfied that the Appellant has made out a case for following order:

- (a) Admit.
- (b) Printing dispensed with.
- (c) Appellant to file private paper-book within one year from today with copy to other side, failing which, First Appeal shall stand dismissed without referring back to the Court.
- (d) The Registry is directed to call for R & P immediately.

(K. K. TATED, J.)