

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

FIRST APPEAL NO. 1121 OF 2015

The New India Assurance Co. Ltd.

..... Appellant

Vs.

Sangita Mansing @ Milind Ghorpade & Ors.

..... Respondents.

.....
Mr. Sandeep Jinsiwale for the Appellant.
Mr. A. P. Shinde for Respondent Nos. 5 to 7.
None for Respondent Nos. 1 to 4 in FA
.....

CORAM : K.K.TATED, J.
DATED : JULY 23, 2019

P.C.

1 Heard Learned Counsel for the parties.

2. By this First Appeal, the Appellant Insurance Company is challenging the Judgment and award dated 4th April, 2015 passed by the Motor Accident Claims Tribunal, Kolhapur in Motor Accident Claim Petition No. 254 of 2010 holding that the Respondents/Original Claimants are entitled compensation of Rs. 9,63,820/- with interest @ 7% p.a. from the date of filing of the Claim Petition till realization.

3. The Learned Counsel for the Appellant submits that, at the time of deciding the impugned Judgment and award dated 4th April, 2015, the Tribunal has failed

to consider the quantum and negligence on the part of the offending vehicle. Hence, they have good chance of success in the present proceeding.

4. Considering the submission made by the Learned Counsel for the Appellant, the impugned Judgment and award passed by the Tribunal and the objections raised by the advocate for the Appellant, I am satisfied that the Appellant has made out case for following order:

- a. **Admit.**
- b. Printing dispensed with.
- c. The appellant is directed to file private paper book with copy to other side within one year from today failing which the first appeal shall stand dismissed without further reference to the court.
- d. Call R & P.
- e. The Learned Counsel Mr. Shinde waive service for Respondent Nos. 5 to 7.

(K.K.TATED, J.)