

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

FIRST APPEAL ST. No. 23491 of 2009

Mrs. Sushila Balasaheer Shendage

...Appellant

Versus

Mr. Chandrakant B. Kakade & anr.

...Respondents

.....

Mr.Satyajeet Shirke i/by Jayant J. Bardeskar Advocate for the Appellant.

Mr.Nikhil N. i/by KMC Legal Venture Advocate for the Respondent No. 2.

.....

**CORAM : K.K.TATED, J.
DATED : AUGUST 29th, 2019**

P.C.

1. Not on board. At the request of the Advocate for the Appellant, matter is taken on board for urgent orders.
2. Heard learned counsel for the parties.
3. By this First Appeal the Appellant/claimant is challenging the Judgment and Award dated 24th November 2008 passed by Motor Accident Claims Tribunal, Kolhapur in M.A.C.P. No. 416 of 2003, partly allowed the Claim Application under Section 166 of Motor Vehicles Act, 1988 holding that the claimant is entitled only sum of Rs. 1,28,084/- by way of compensation with interest at the rate of 8% p.a. instead of Rs. 1,53,838/- as claimed by Appellant in the claim application.

4. Considering the submissions made by the learned counsel for the Appellant and the averments in First Appeal, I am satisfied that the Appellant has made out a 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) Registry is directed to Call R & P immediately.
- e) Learned counsel Mr.Nikhil Mehta waives service on behalf of respondent no. 2.
- f) Hearing of First Appeal is expedited.

(K.K.TATED, J.)