

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

FIRST APPEAL (ST.) NO.30705 OF 2017

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.Ketan Joshi for the appellant
Mr.Akshy A. Kulkarni for the respondent nos.1
to 4

**CORAM : K. K. TATED, J
DATE : APRIL 1, 2019**

P.C.:

. Heard.

2 At the request of advocate for the appellant, matter is taken on board for urgent orders.

3 By this First Appeal, appellant Insurance Company is challenging the judgment and award dated 7.4.2017 passed by MACT Kolhapur in MACP No.441 of 2010 holding that Respondent Claimant are entitled sum of Rs.4,92,200/- with 9% interest p.a. under section 163-A of the Motor VehicleS Act, 1988 by way of compensation.

4 The learned counsel for the Appellant submits that, court below failed to consider the fact that there was breach of the terms and conditions of the policy. He submits that at the time of accident, driver of the offending vehicle was not holding valid licence. In spite of this contention, the learned counsel for the appellant relies on paragraph 10 of the impugned judgment.

5 Considering the submissions made by the learned counsel for the Appellant and the impugned judgment and award passed by Reference Court, I am satisfied that the Appellant has made out a case for following order:

- a. Admit.
- b. The 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.
- c. Printing dispensed with.
- d. Registry is directed to call R & P immediately.
- e. The learned counsel for the respective Respondents waives service.

(K.K.TATED, J.)