

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 13868 OF 2017**

The New India Assurance Company Ltd. Appellant.

Vs.

Smt.Pramila Prakash Joil and Ors. Respondents.

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Mr. Sudhakar Pandaram i/by. Mr.Milind V.More for the appellant.
Ms. Varsha Chavan for respondent Nos.1 to 5.

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**CORAM : K.K.TATED, J.
DATED : AUGUST 19, 2019**

P.C.

Not on board. At the request of Learned 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/Insurance Company has challenged Judgment and Award dated 16/11/2016 passed by Motor Accident Claims Tribunal, at Sindhudurng at Oros in Motor Accident Claim Petition No.55 of 2014, holding that the respondents/claimants are entitled for sum of Rs.84,08,000/- by way of compensation with interest at the rate of 9% p.a.

4. The Learned Counsel for the appellant submits that the Tribunal failed to consider the fact that the deceased also responsible for the accident. He further submits that even otherwise the compensation awarded by the Tribunal is on higher side, hence, they have good chances to succeed in the present matter.

5. Considering the submissions made by the Learned Counsel for the appellant and the impugned Judgment and Award, I am satisfied that appellant has made out case for following order;

ORDER

- (a) Admit.
- (b) Printing dispensed with.
- (c) Appellant/Insurance Company to file private paper book within one year from today with copy to be served to the otherside, failing which, the First Appeal shall stands dismissed.
- (d) Registry is directed to call R and P immediately.
- (e) Learned Counsel Ms.Varsha Chavan waives service for respondent Nos.1 to 5.

(K.K.TATED, J.)