

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1201 OF 2019**

The Divisional Officer
Universal Sampo General Insurance
Company Ltd.

..... Appellant/Original
Opponent No.2.

V/s.

Rebunsia Shabbir Ahmad & Ors.

..... Respondents

.....

Mr. Nikhil Mehta i/b KMC Legal Venture for Appellant.

.....

**CORAM : K.K.TATED, J.
DATED : 30th AUGUST, 2019**

P.C.

1. At the request of learned counsel for Appellant by praecipe dated 29th August 2019 matter is taken on production board for urgent order.

2. The learned counsel for Appellant submits that, the respondents filed execution application for recovery of entire amount. Hence, there is an urgency.

3. Learned advocate for the Appellant submits that by this First Appeal, they are challenging the Judgment and award dated 23rd January 2019 passed by Motor Accident Claims Tribunal, Nashik in Motor Accident Claim Petition No. 1114 of 2013 holding that the

respondents/claimants are entailed sum of Rs. 4,10,400/- with interest @ 9% per annum.

4. The learned counsel for the Appellant submits that, at the time of deciding the matter, Tribunal has failed to consider the fact that, cheque issued by the owner of the offending vehicle towards premium of insurance policy, was dishonoured. Therefore, insurance company is not responsible to pay any compensation. He submits that they have good chance of success in the present matter.

5. Considering the submissions 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.

ORDER

- a) Admit.
- b) Printing is dispensed with.
- c) Appellant to file private paper book within one year from today, failing which First Appeal shall stand dismissed without further reference to the Court.
- d) Registry is directed to call Record and Proceeding immediately.

(K.K.TATED, J.)