

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 58 of 2017

Future General India Insurance Co. Ltd. ...Appellant
Vs.
Shri Surendra Bholaram Shahu and Anr. ...Respondents

Mr. D.R. Mahadik for Appellant
None for the Respondents

CORAM: K.K. TATED, J.

DATED : JUNE 4, 2019

P.C. :

- 1 Heard learned counsel Mr. D.R. Mahadik for the Appellant.
2. Though Respondents are duly served, no one appeared on behalf of them when the matter was called out.
3. By this First Appeal, the Appellant-Insurance Company is challenging the Judgment and Award dated 12th May, 2016 passed by the Motor Accident Claim Tribunal, Thane in M.A.C.P. Application No. 904 of 2011 holding that the Respondents /Original Claimants are entitled for a sum of Rs. 2,05,000/- by way of compensation along with interest @ 8% p.a. from the date of petition till realization of the above amount.
4. Learned counsel Mr.D.R. Mahadik for the Appellant submits that the Tribunal failed to consider the fact that there was breach of terms and conditions of policy. He submits that on the date of accident, the driver of offending vehicle was not holding valid and effective driving license and, therefore, the insurance company is not liable to pay any compensation.

5. Considering the submissions made by learned counsel for the Appellant and perusing paragraph 20 of the impugned judgment and award, I am satisfied that the Appellant has made out a case for passing following order:

ORDER

- (A) Admit.
- (B) Printing dispensed with
- (C) The Appellant file private paper book within one year from today, failing which, First Appeal shall stand dismissed without referring back to the Court.
- (D) The Registry is directed to call R & P immediately.

(K. K. TATED, J.)