

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.101/2019

Bajaj Allianz General Insurance Co.Ltd. Appellant.
Vs.
Smt.Salamat A. Mujawar & Ors. ... Respondents.
Mr.Sarthak S. Diwan, advocate for appellant.

CORAM : K.K.TATED, J.
DATED : JUNE 27, 2019.

P.C.

Heard learned counsel for appellant.

2. By this first appeal, the appellant/Insurance Company is challenging judgment and award dated 9.3.2018 passed by Motor Accident Claim Tribunal , Karad in MACP No. 2/2014 holding that respondent/claimants are entitled sum of Rs.4,58,300/- by way of compensation with 7% interest p.a. from the date of filing of petition till realization.

3. Learned counsel for appellant submits that the Tribunal failed to consider the fact that the deceased himself was driving the offending vehicle, hence, the Insurance Company is not liable to pay compensation. He submits that they have good chance of success in appeal.

4. Considering the submissions made by the learned counsel for appellant and the impugned judgment and award, I am satisfied that appellant has made out the case for following order.

- a) Admit.
- b) Printing dispensed with.
- c) The Appellant is directed to file private paper book within one year from today, with copy to other side failing which the 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.)

