

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No.128/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Ms. Dipeeka Prabhala I/b. Res Juris for the Appellant Ms. Ravindra S. Pachundkar for Respondent Nos.1 to 4. Ms. Adeeba Khan ib/. mateen Shaikh for Respondent Nos.5 and 6

CORAM: K.K.TATED, J.
DATED : OCTOBER 3, 2019

P.C.

1 Heard. By this First Appeal, the Appellant Insurance Co. challenges the judgment and award dated 21.03.2016 passed by the MACT Pune in MACP No.533/2010 holding that the Respondent-Claimants are entitled to sum of Rs.34,20,400/- with interest @ 8% p.a.

2 The learned counsel for the Appellant submits that at the time of awarding compensation, the tribunal has failed to consider the contributory negligence on the part of the deceased. He submits that in the present proceeding the accident was occurred as

head-on collusion. Therefore, the deceased was also responsible for the accident. These facts were not considered by the Tribunal. Hence, the First Appeal.

3 Considering the submissions made by the learned counsel for the Appellant and the impugned judgment and award following order is passed:

- a. **Admit.**
- b. The Appellant is directed to file paper book within a period of one year from today with copy to other side failing which the First Appeal shall stand dismissed without further reference to the court.
- c. Printing dispensed with.
- d. Office to call R & P immediately.
- e. The learned counsel for the Respondent waives service.

(K.K.TATED, J.)