

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO.895 OF 2015

Maharashtra State Road Transport Corporation Appellant

Versus

Mrs. Vaishali Ramdas Jadhav and Ors. Respondents.

Mr. C.M. Lokesh i/b. Mr. G.S. Hegde for the Appellant.
Mr. Soanam A. Panse a/w. Mr. Ajinkya Udane for Respondent Nos.1 to 5
Mr. Ketan Joshi for Respondent No.7.

CORAM : K. K. TATED, J.

DATE : 18th SEPTEMBER, 2019

P.C.

Heard learned counsels for the parties.

2. By this First Appeal, the appellant is challenging the judgment and award dated 29/05/2014, passed by Motor Accident Claims Tribunal Satara in Motor Accident Claim Petition No.296 of 2009, holding that the respondent/original claimants are entitled to a sum of Rs.12,30,000/- by way of compensation with interest @ Rs.9% per annum.

3. The learned counsel for the appellant submits that, the Tribunal failed to consider contributory negligence of offending vehicle also, while deciding compensation. He further submits that, compensation awarded by the Tribunal is on higher side. Hence,

they have a good chance of succession in the present matter.

4. Considering the submission made by the learned counsel for the appellant and the impugned judgment and award, the following order is passed -

- (i) Admit.
- (ii) Printing dispensed with.
- (iii) The appellant to file private paper-book with copy to other side within one year from today, failing which the First Appeal shall stand dismissed without further reference to the Court.
- (iv) The Registry is directed to call R & P immediately.
- (v) Advocate for respondents waives service for respondents.

[K. K. TATED, J.]