

Amk

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

FIRST APPEAL (STAMP) NO. 31540 OF 2016

New India Assurance Co. Ltd. .. Appellant
Vs.
Smt. Bayanabai Dinkar Gosavi & Ors. .. Respondents

Ms. Jyoti Bajpayee for the Appellant.
Mr. Kedar P. Lad for Respondent Nos.1 to 3.
Ms. Vrushali Maindad for Respondent Nos.4 & 5.

CORAM : K. K. TATED, J.
DATE : 3rd APRIL, 2019.

P. C. :

1. Heard learned Counsel for the parties.
2. By this First Appeal, the Appellant-Insurance Company is challenging the Judgment and Award dated 20.04.2016 passed by the Motor Accident Claim Tribunal, Kolhapur in Motor Accident Claim Petition No. 99 of 2011 holding that the Respondents-original Claimants are entitled compensation of Rs.6,95,000/- with 9% interest p.a.
3. Learned Counsel for the Appellant submits that the Tribunal awarded compensation on higher side. She further submits that the Tribunal have not considered the negligence at the outset.
4. Considering this fact, the following order is passed:
 - (i) Admit.
 - (ii) Printing dispensed with.
 - (iii) Registry is directed to call R & P immediately.
 - (iv) Appellant to file private paper book within one year from

today, failing which First Appeal shall stand dismissed without referring back to the Court.

(v) Learned Counsel Shri Lad waives service for Respondent Nos.1 to 3 and learned Counsel Ms. Vrushali Maindad waives service for Respondent Nos.4 & 5.

[K. K. TATED, J.]