

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 534 OF 2017

New India Assurance Co.Ltd.

..... Appellant.

Vs.

Shaila Sunil Jadhav & Ors

..... Respondents

Ms. Poonam Mittal for the Appellant.

Mr. Yuvraj P. Narvankar for the Respondents.

CORAM : K.K.TATED, J.
DATED : JUNE 20, 2019

P.C.

- 1 Heard learned counsel for the parties.
2. By this First Appeal, Appellant insurance company is challenging the judgment and award dated 30th April, 2016 passed by the Motor Accident Claims Tribunal, Karad in Motor Accident Claim Petition No. 152 of 2011 holding that the Respondents/Claimants are entitled to sum of Rs. 4,84,700/- by way of compensation with interest @ 8% p.a.
3. The learned counsel for the Appellant submits that the Tribunal has failed to consider the fact that the insurance company is not liable to pay compensation as there was breach of terms and conditions of the insurance policy. In support of this contention, advocate for the Appellant relies on Para. No. 17 of the impugned judgment.

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

- a. **Admit.**
- b. Printing dispensed with.
- c. The appellant is directed 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.
- d. Call R & P.
- e. Learned Counsel Mr. Yuvraj P. Narvankar waive service for Respondent No. 2 and 3

(K.K.TATED, J.)