

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No. 503 /2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. D.R.Mahadik, for the Appellant.

CORAM : K.K.TATED, J.
DATED : June 04, 2019.

P.C.

1. Heard Mr.D.R.Mahadik, learned counsel for appellant.

2. By this First Appeal, the appellant/Insurance Company is challenging Judgment and Award dated 6.12.2014, passed by Motor Accident Claims Tribunal, Thane in Motor Accident Claim Petition No.761/2006, by which it was held that the respondent/claimants are entitled to an amount of Rs.6,50,120/- by way of compensation alongwith interest at the rate of 9% per annum.

3. Learned counsel for appellant submits that the Tribunal has failed to consider the fact that there was breach of terms and conditions of the Insurance policy.

Therefore, there is no question of holding that the Insurance Company is liable to pay any compensation to respondent. Learned counsel for appellant submits that on the date of alleged accident, the driver of the offending vehicle was not holding driving license, therefore, the Company is not liable to pay any compensation.

4. Considering the submissions, objections raised by the learned Advocate for appellant about breach of terms and conditions of the policy, I am of the opinion that the appellant has made out a case for following order.

- a) Admit.
- b) 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 referring to this court.
- c) Printing dispensed with.
- d) Registry is directed to call record and proceeding immediately from trial court.

(K.K.TATED, J.)

