

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

FIRST APPEAL ST. NO. 15943 PF 2015

The New India Assurance Co. Ltd.

...Appellant

Versus

Mr. Dilip Mahipati Paymal & Ors.

...Respondents

.....
Ms. Shalini Shankar, Advocate for the Appellant.

Mr. Ganesh Bhujbal, Advocate for the Respondent.
.....

**CORAM : K.K.TATED, J.
DATED : AUGUST 29th, 2019**

P.C.

1 Not on board. At the request of learned advocate for the Appellant matter is taken on board for urgent order.

2. Heard Learned Counsel for the Appellant.

3. By this First Appeal, the Appellant - Insurance Company is challenging the Judgment and Award dated 02nd January, 2014 passed by Motor Accident Claims Tribunal Islampur, in Motor Accident Claim Petition No. 46 of 2011 holding that the Respondents / Original Claimants are entitled to a sum of Rs. 1,95,000/- by way of compensation with interest @ of Rs. 7% p.a. from the date of filing of the petition till realization of the entire compensation amount.

3 Learned counsel for the appellant submits that the Tribunal erred in coming to the conclusion that Insurance Company is liable to pay compensation though there was breach of terms and conditions of insurance policy. He submits that they have good chance of success in the present matter.

4 Considering the submissions made by the Learned Counsel for the Appellant and the impugned Judgment and Award, I am satisfied that the appellant has made out a 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) Registrar directed to Call R & P immediately.
- e) Learned counsel waives service for respondent nos. 1 and 2.

(K.K.TATED, J.)