

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 259 OF 2019

Bajaj Allianz General Insurance Co.Ltd. Appellant.

Vs.

Fazalu Mahibub Bagwan & Anr. Respondents

Mr. S.S. Diwan for the Appellant.
Mr. A.B. Tajane 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, the Appellant insurance company is challenging the judgment and award dated 12th May, 2017 passed by the Motor Accident Claims Tribunal in Motor Accident Claim Petition No. 59 of 2013 holding the Respondents/Original Claimants are entitled to sum of Rs. 4,18,576/- by way of compensation with interest @ 7% p.a.
3. The learned counsel for the Appellant submits that by this First Appeal, they are challenging the impugned judgment on the ground of negligence and non involvement of vehicle insured with them in the said accident.

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

5. Hence, the 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. Registry is directed to call R & P immediately.
- e. Learned counsel for the Respondents waives service.

(K.K.TATED, J.)