

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 480 of 19
WITH
CIVIL APPLICATION No. 1644 of 2019

National Insurance Company Ltd. Appellant.

Vs.

Juned Najir Beg & Ors. Respondents

Ms Harshada Manohar Rame for the Appellant.
None for Respondents

CORAM : K.K.TATED, J.
DATED : JUNE 12, 2019

P.C.

- 1 Heard learned counsel for the Appellant.
2. By this first appeal the appellant Insurance Company is challenging judgment and award dated 6th April 2018 passed by the member Motor Accident Claims Tribunal in Motor Accident Claim Petition No. 569 of 2014 holding that Respondent/sOriginal Claimants are entitled compensation to the tune of Rs. 3,11,420/- with interest at the rate of 7% p.a.
3. The learned counsel appearing on behalf of the Appellant submits that, at the time of awarding the compensation, the tribunal failed to

appreciate the fact that the Claimant was not bonafide passenger in a truck which was involved in the accident, therefore, there is no question of holding the Insurance Company to pay the compensastion.

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

- a. Admit.
- b. Printing dispensed with.
- c. 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 dismissed without further reference to the court.
- d. The office is directed to call R & P.

(K.K.TATED, J.)