

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

FIRST APPEAL (ST) NO.29133 OF 2012

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.Rahul Mehta i/b M/s.KMC Legal Venture
for the applellant

Ms.Priti Rajan Gupta i/b Mr.Deepak
Deshmukh for the respondent no.1

CORAM : K.K.TATED, J.

DATED : 06/01/2016

PC:

- 1 Heard the learned counsel for the parties.
- 2 By consent of both the parties, matter is taken on board for admission. Appellant to remove all office objections if any, within 8 weeks from today, failing which First Appeal shall stand dismissed without referring back to the court.
- 3 This Appeal is preferred by Insurance Company challenging the judgment and award dated 3.5.2012 passed by MACT, Mumbai in Application No.2700 of 2003 by which the Tribunal held that the respondent claimant is entitled compensation of Rs.3,95,982/- with 7.5% interest p.a. by way of compensation.
- 4 The learned counsel for the appellant submits that the Tribunal erred in coming to the conclusion

that the respondent claimant is entitled compensation of Rs.3,95,982/-. He further submits that the Tribunal awarded towards future loss of income of Rs.2,09,250/-. For that purpose, respondent claimant has not brought on record any evidence.

5 Considering the submissions made by the learned counsel for the Applicant and after perusing the impugned judgment and award passed by the Trial Court, I am satisfied that the Applicant has made out a case for following order :

- a) Admit.
- b) Appellant to file private paper book within one year from today, failing which the appeal shall stand dismissed without further reference to the court.
- c) Printing and filing of Roznama is dispensed with.
- d) The learned counsel for the respondent no.1 waives service.
- e) At the request of advocate for appellant, appellant is permitted to delete the name of respondent no.2 from the cause title of First Appeal as well as pending Civil Applications.
- f) Amendment be carried out within four weeks from today.

(K.K.TATED, J.)