

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

FIRST APPEAL NO.1216 OF 2019

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.Atul Gatne for the appellant

**CORAM : K. K. TATED, J
DATE : SEPTEMBER 11, 2019**

P.C.:

. Heard.

2 By this First Appeal, appellant Insurance Company is challenging the judgment and award dated 12.7.2013 passed by MACT, Raigad at Alibag in MACP No.373 of 2008 holding that the Respondent original Claimant is entitled sum of Rs.6,56,329/- by way of compensation with interest @ 6% p.a.

3 The learned counsel for the appellant submits that in the present proceeding, Tribunal erred in coming to the conclusion that the Respondent original Claimant was earning sum of Rs.5,000/- per month. He submits that admittedly, they failed to produce on record any documentary evidence to show that Claimant was earning Rs.5,000/- per month. Not only that, Claimant failed to examine concerned Doctor who issued disability certificate of 60%. Therefore, 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 admission of matter:

5. At this stage, the learned counsel for the appellant submits that by this First Appeal, they are challenging the judgment and award passed by the Tribunal on quantum only. He submits that matter can be referred to Lok Adalat for amicable settlement.

a. ***Admit.***

b. The Appellant 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 reference to the court.

c. Printing dispensed with.

d. Registry is directed to call R & P immediately.

e. On his request, Registry is directed to place the matter before Lok Adalat for settlement with notice to other side.

(K.K.TATED, J.)