

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

FIRST APPEAL NO.1090 OF 2019

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.V.V.Parshurami for the appellant

Mr.Raghujit Singh for the respondent no.1

**CORAM : K. K. TATED, J
DATE : AUGUST 7, 2019**

P.C.:

. Heard.

2 By this First Appeal, appellant Insurance Company is challenging the judgment and award dated 15.11.2018 passed by MACT, Thane in MACP No.339 of 2017.

3 The learned counsel for the appellant submits that in the present proceedings, admittedly, Respondent original Claimant received more than Rs.4 lacs in mediclaim policy. Therefore, that amount is required to be

deducted from the awarded amount by the Tribunal. These facts are not considered by the Tribunal at the time of passing impugned order. Hence, they preferred present First Appeal.

4 Considering the submissions made by the learned counsel for the Appellant and the impugned judgment, I am satisfied that the Appellant has made out a case for following order:

- 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. Call R & P.
- e. The learned counsel for the Respondent no.1 waives service.

(K.K. TATED, J.)