

**502 FAO NO.704 OF 2010
RAJESH V/S SUNIL KUMAR & ANR.**

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Present: Mr. Sandeep Suri, Advocate and
 Mr. Rajbir Singh Advocate for ICICI Lombard Gen. Ins. Co.

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This appeal is directed against the award of the MACT Case RBT No.108/08/09 instituted on 16.10.2008/07.08.2009, which was disposed of vide award dated 04.09.2009. It appears from the record of this file that record was partly burnt in a fire. Mr. Rajbir Singh, Advocate for the Insurance Company points out that two appeals were mistakenly filed against the same award of the MACT. One such appeal was registered as FAO No.3402 of 2010 (O&M) and the same was decided vide a detailed order dated August 30, 2016. Copy of that order is placed on record of this file. The other appeal was registered as FAO No.704 of 2010 (Rajesh Vs. Sunil Kumar and Anr.) and has now been listed before us.

We have gone through the order of the High Court passed on August 30, 2016 and find that FAO No.3402 of 2010 (O&M) covering the issue raised in this appeal has already been settled and decided.

This appeal is also ordered to be dismissed as additional payment has already been made as per order of the High Court dated 30.08.2016 passed in FAO No.3402 of 2010.

**(G.C. GARG)
PRESIDENT**

**(N.K. KAPOOR)
MEMBER**

July 19, 2019
NainaRajput