

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No.129/2019

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. Rahul mehta I/b. KMC Legal Venture for
the Appellant

CORAM : K.K.TATED.J.
DATED : JUNE 24, 2019

P.C.

1 Pursuant to the praecipe filed by the learned counsel for the Appellant, the matter is taken on production board.

2 The learned counsel for the Appellant submits that the Respondent has filed Execution Application. He submits that if the entire amount is recovered by the claimants in the Execution Application then nothing will survive in the present proceedings.

3 By this appeal, the Appellant is challenging the judgment and award dated 18.04.2018 passed by the MACT Raigad in MACP No.149/2016 holding that the Respondent-Claimants are entitled to sum

of Rs.22,69,960/- by way of compensation with interest @ 9% p.a.

4 The learned counsel for the Appellant submits that the Tribunal has awarded compensation on higher side. He submits that even other grounds raised by the Appellant have not been considered by the Tribunal while passing the impugned judgment and award.

5 Considering the submissions made by the learned counsel for the Appellant and the grounds raised in the First Appeal, following order is passed:

- a. **Admit.**
- b. 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 stand dismissed without further reference to the court.
- c. Printing dispensed with.
- e. Call R & P.
- f. Notice of Respondent No.4 is dispensed with at the cost and consequences of the Appellant.

(K.K.TATED, J.)