

GAHC010119762023



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Review.Pet./72/2023

ARUN CHANDA
S/O LATE NARENDRA CHANDA, R/O G.S. ROAD, COLONY, FATASIL, P.S.
BHARALUMUKH, P.O. GUWAHATI- 781009, DIST. KAMRUP (M), ASSAM.

VERSUS

THE BRANCH MANAGER AND 2 ORS.
CHOLEMENDELAM M.S. GENERAL INS. CO. LTD. , SHANKAR COMPLEX
2ND FLOOR, CHRISTIAN BASTI, G.S. ROAD, P.O. GUWAHATI- 06, DIST.-
KAMRUP (M), ASSAM.

2:SRI SUNIL SAHU (OWNER)
S/O SRI KAMAL (OWNER)
ALOK BAWAN
NARAYANNAGAR
P.O. AND P.S.- BHARALUMUKH
GUWAHATI- 09
DIST. KAMRUP (M)
ASSAM.

3:SRI SURAJ ROY
S/O LATE NARESH ROY
R/O G.S. COLONY
FATASIL
P.O. AND P.S. BHARALUMUKH
GUWAHATI- 09
DIST. KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. J P SHARMA,

Advocate for the Respondent : MR. K K BHATTA,

Linked Case : I.A.(Civil)/1122/2018

SRI ARUN CHANDRA
S/O LATE NARENDRA CHANDA
R/O G.S. COLONY
FATASIL
P.O. GUWAHATI-9
DIST. KAMRUP (M)
ASSAM.

VERSUS

THE BRANCH MANAGER AND 2 ORS

CHOLEMENDELAM M.S. GENERAL INSURANCE CO. LTD.
SHANKAR COMPLEX
2ND FLOOR
CHRISTIAN BASTI
G.S. ROAD
P.O. GUWAHATI-6
DIST. KAMRUP (M)
ASSAM.

2:SRI SUNIL SAHU (OWNER)
S/O SRI KAMAL
ALOK BHAWAN
NARAYANAGAR
P.O. BHARALUMUKH
GUWAHATI-9
DIST. KAMRUP (M)
ASSAM.

3:SRI SURAJ ROY
S/O LATE NAREH ROY
R/O G.S. COLONY
FATASIL
P.S. BHARALUMUKH
P.O. GUWAHATI-9
DIST. KAMRUP (M)
ASSAM.

Advocate for : MR. J P SARMA

Advocate for : appearing for THE BRANCH MANAGER AND 2 ORS

Linked Case : MACApp./269/2018

SRI ARUN CHANDA
S/O LATE NARENDRA CHANDA
R/O G.S. ROAD
COLONY
FATASIL
P.S. BHARALUMUKH
P.O. GUWAHATI-9
DIST. KAMRUP (M)
ASSAM.

VERSUS

THE BRANCH MANAGER

CHOLEMENDELAM M.S. GENERAL INS. CO. LTD.
SHANKAR COMPLEX 2ND FLOOR
CHRISTIAN BASTI
G.S. ROAD
P.O. GUWAHATI 6
DIST. KAMRUP (M)
ASSAM.

2:SRI SUNIL SAHU (OWNER)
S/O SRI KAMAL (OWNER)
ALOK BAWAN
NARAYANNAGAL
P.O. BHARALUMUKH
P. GUWAHATI-9
DIST. KAMRUP (M)
ASSAM.

3:SRI SURAJ ROY
S/O LATE NARESH ROY
R/O G.S. COLONY
FATASIL
P.S. BHARALUMUKH
P.O. GUWAHATI-9
DIST. KAMRUP (M)
ASSAM.

Advocate for : MR. J P SARMA
Advocate for : MR. K K BHATTA appearing for THE BRANCH MANAGER

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

20.02.2025

Heard Mr. J.P Sharma, learned counsel for the review petitioner. Also heard Mr. K.K. Bhatta, learned counsel for the respondent/Insurance Company.

By filing this application under Order 47 R/W Section 151 CPC, the review petitioner has prayed for review of the judgment and order dated 17.05.2023, passed by this Court in MAC Appeal No.269/2018.

The review petitioner as appellant has preferred an appeal vide MAC Appeal No.269/2018 against the judgment and award passed on 21.06.2017 in MAC Case No.1136/2010 by the learned Member, MACT No.3, Kamrup (M), awarding Rs. 55,510/- only in favour of the review petitioner.

After hearing both sides, this Court vide judgment dated 17.05.2023 decided the MAC Appeal No.269/2018 by enhancing the award from Rs.55,510/- to Rs.85,510/- carrying interest @ 6% p.a from the date of filing of the case till realization.

It is submitted by the learned counsel for the review petitioner that the petitioner has not preferred any appeal against the judgment and order dated 17.05.2023 but has prayed for clarification and rectification of the enhanced award of compensation of Rs.60,000/- and the total award should be Rs.1,15,510/-.

On the other hand, learned counsel for the respondent/Insurance Company has argued that as per para 13 of the judgment dated 17.05.2023, it has been clearly mentioned that Rs.30,000/- was awarded for pain and suffering and another Rs.30,000/- for loss of amenities and the medical expenditure amounting to Rs.25,510/- would remain as same. As such the total amount comes to Rs.85,510/- and not Rs.1,15,510/- as stated by the review petitioner. Under such backdrop, the learned counsel for the respondent/Insurance Company has prayed for dismissal of the review petition.

Having heard the learned counsel for the parties and on perusal of the judgment dated 17.05.2023, passed by this Court, it reveals that the award of the Tribunal was modified by enhancing the compensation from Rs.55,510/- to Rs.85,510/-. As per para 13 of the judgment, it was clearly mentioned that Rs.30,000/- on each count was enhanced on the head of pain and suffering and for loss of amenities and the medical expenditure of Rs.25,510/- was added. As such, the total amount comes to Rs.85,510/-.

In view of the above, this Court does not find any ground to review the judgment and order dated 17.05.2023. Hence, the review petition is dismissed and disposed of accordingly.

JUDGE

Comparing Assistant