

RA-CR-177-CII of 2015 in
FAO-10453 of 2014

National Insurance Company Ltd.
Vs.
Kamla and others

Present: Mr. R.C.Kapoor, Advocate,
for the applicant-appellant – Insurance Company.

Mr. Sushil Verma, Advocate,
for the respondents.

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Learned counsel for applicant-appellant, while referring to judgments of Hon`ble Supreme Court in **Puttamma and others Vs. K.L.Narayana Reddy and another 2014 ACJ 526**, Delhi High Court and **Deepal Girishbhai Soni and others Vs. United India Insurance Co. Ltd., 2004 ACJ 934, SC** and a decision of the Co-ordinate Bench of this Court in **Salochana and another Vs. Krishan Lal and another 2015 ACJ 1100**, submitted that the judgment dated 10.07.2015 passed by this Court, deserves to be reviewed as the compensation in claim petitions filed under Section 163-A of Motor Vehicles Act, 1988 has to be granted as per distinct scheme for the victim of the accident by following the 2nd schedule of Motor Vehicles Act, 1988.

Learned counsel for respondents No.1 to 5 has opposed the review application and has relied upon **Oriental Insurance Company Ltd. Vs. Gurdev Singh and others 2013(2) RCR (Civil) 611, P&H.**

Having heard learned counsel for the parties on the review application, this Court is of the view that this aspect has already been dealt with in the order dated 10.7.2015. More so, Hon`ble Supreme Court in **Sant Singh Vs. Sukhdev Singh and others, 2011 AIR [SCW] 2685** has held that Section 163-A of the Act serves as a guideline for the purpose

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of determination of compensation, but in exceptional cases, even deviation can be made while awarding the compensation and this Court had dealt with the appeal accordingly. Further in **R.K.Malik Vs. Kiran Pal, 2009 [8] JT 461**, Hon`ble Apex Court has held that it becomes the duty of the Court to award just compensation for non-pecuniary loss and the damages so awarded should be adequate sum of money that would put the party, who has suffered, in the same position if he had not suffered on account of the wrong. Compensation is, therefore, required to be paid for prospective pecuniary loss i.e., future loss of income/dependency suffered on account of the wrongful act. Hence, this Court is of the considered view that under the garb of present review application, learned counsel the applicant-appellant wants to re-argue the matter. A perusal of the paragraph No.8 of the judgment in review clearly shows that the issue has been duly dealt with.

I do not find any illegality in the order passed which may warrant any interference in the present review application. Consequently the same is dismissed.

(SHEKHER DHAWAN)
JUDGE

November 19th, 2015
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