

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 90 of 2016

Mus Varsha Shrivastava W/o Late Brijendra Shrivastava, Aged About 40
Years R/o Hemunagar, Bilaspur, District Bilaspur (Chhattisgarh).....
(Appellant)

---- Petitioner

Versus

1. Brijesh Kumar S/o Ganesh Gir, Aged About 38 Years Qr. No. 63/3,
Dharampur, Gevra, District Korba (Chhattisgarh)
2. Smt. Kholendra Kumari Chandra W/o Vinod Kumar Chandra, Aged About 48
Years R/o Bhartunga, Post Office Dwaraghat, Tahsil Dhabhara, District Janjgir
Champa (Chhattisgarh)
3. The Branch Manager, United India Insurance Company Limited, Bilaspur,
Tahsil And District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Pritam Tiwari, Advocate.
For Respondent No.3	:	Ms. Chitra Shrivastava, Advocate.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2016

Heard on I.A. No.1, application for condonation of delay in filing Review
Petition.

1. Learned counsel for the respondent-Insurance Company opposes prayer and
submitting that proper explanation has not been offered.
2. Taking into consideration the short period of delay and the reason assigned in
the application, I am inclined to condone the delay and the delay is accordingly
condoned.

3. Learned counsel for the applicant has prayed for appropriate clarification that in the order passed by this Court on 04.03.2016, there is no reference to award of Rs.25,000/- towards maintenance/repair of vehicle. He submits that this claim was allowed by the Claims Tribunal and the applicant approached this Court only for enhancement of compensation. While enhancing the compensation on other heads, order was passed by this Court but as there is no mention of the amount of Rs.25,000/-, the applicant may not get the amount in execution of award.

4. Learned counsel for the respondent-Insurance Company opposes prayer and submits that there is no need for any clarification because issue with regard to correctness of the order of the Claims Tribunal in so far as grant of Rs.25,000/- towards repair/maintenance of vehicle was not under consideration. It is also submitted that this ought to be pointed out at the time of hearing, therefore, there is no error of law apparent on the face of record.

5. As far as award of Rs.25,000/- towards repair/maintenance of vehicle is concerned, this Court did not disturb the said finding. On other heads, this Court has passed the order granting compensation on the basis of findings recorded in para 14, 15, and 16. Therefore, in the interest of justice, a proper clarification is necessary, it is directed that award of Rs.25,000/- by the Claims Tribunal towards maintenance/repair of vehicle shall be treated as having been included in the award.

6. The Review Petition is disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge