

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.1022 of 2014 (O&M)

Date of decision : 02.06.2016

Ashok Kumar and another

...Petitioners

Versus

Reliance General Insurance Company Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Naresh Kumar, Advocate for
Mr. R.D. Yadav, Advocate for the petitioners.

AMIT RAWAL, J. (Oral)

CM No.8456-CII of 2016

Prayer in the application is for recalling of the order dated 05.05.2015 passed by this Court in abovesaid revision petition.

For the reasons stated in the application, application is allowed, petition is restored to its original number.

Main petition is taken on board.

Main Case

The petitioner-driver is aggrieved of the impugned order, whereby review application of the Insurance Company has been accepted and the liability to recover the amount has been fastened upon the petitioners and the

amount of compensation as per award is ₹30,000/-.

I am of the view that Hon'ble Supreme Court of India in *Bijoy Kumar Dugar Vs. Bidyadhar Dutta and others*, 2006 AIR (Supreme Court) 1255 has held that right of appeal is a statutory right to the parties and where the law provides a remedy by filing an appeal on limited grounds, the grounds of challenge cannot be enlarged by filing a petition under Article 226/227 of the Constitution of India. High Court does not act as an appellate Court or Tribunal under Article 227 of the Constitution of India. It cannot review or re-evaluate the evidence upon which the lower Court or Tribunal passed the order.

In view of such situation, no ground for interference is made out.

Dismissed.

02.06.2016

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**(AMIT RAWAL)
JUDGE**