

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 120 of 2017

- The Oriental Insurance Company Limited Through Its Branch Manager, The Oriental Insurance Company Limited, Jail Road, Raipur, Tahsil & District Raipur Chhattisgarh.

---- Petitioner

Respondent No.3

Versus

1. Dhana Ram Sahu S/o Late Hunsu Ram Sahu Aged About 50 Years
2. Ku. Vimla D/o Dhana Ram Sahu Aged About 23 Years
3. Ku. Ramhala Sahu D/o Dhana Ram Sahu Aged About 21 Years
4. Ku. Simala D/o Dhana Ram Sahu Aged About 19 Years

All are R/o Behind Kali Mandir, Laxman Nagar, P.S. Gudhiyari, Raipur, Distt. Raipur Chhattisgarh (Appellants/ Claimants)

5. Gurudev Singh S/o Lal Singh Aged About 30 Years R/o Moulipara, P.S. Telibandha, Raipur C.G., Other Address- R/o New Jeevan Bus Service, Bus Stand, Pandari, Raipur Chhattisgarh (Driver Of Bus No. C. G. 04 E 2006)
6. Aakash Deep Singh C/o Gurudev Singh, New Jeevan Bus Service, Bus Stand, Pandari, Raipur Chhattisgarh (Owner Of Bus No. C. G. 04 E 2006)

---- Respondents

For Petitioner : Shri Pankaj Agrawal, Advocate.

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board By Justice Pritinker Diwaker

13/12/2017

This review petition has been filed seeking modification in the judgment dated 18.7.2017 passed by this Court in MAC No.387/2013.

2. Counsel for the petitioner submits that the multiplier has wrongly been applied by this Court while calculating the quantum of compensation.

3. Judgment sought to be reviewed is perused.

4. It is settled law that the High Court exercises power of review as a Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable error committed by it. There is no definitive limit to the exercise of the powers of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made. It may be exercised where some mistake or error apparent on the face of the record is found. However, the power is to be exercised with the limitations as provided under Section 114 read with Order 47 of the Code of Civil Procedure, 1908.

5. In the present case, no such illegality or palpable error has been pointed out in the review petition. This Court after considering the overall facts and circumstances of the case, had passed the judgment under review. The ground urged by the petitioner as to applicability of multiplier can only be assailed by it before the higher forum. Accordingly, the review petition being without any substance is hereby dismissed.

Sd/
(Pritinker Diwaker)
Judge

Sd/
(R.P. Sharma)
Judge