

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 29 of 2017**

1. Jay Kumar Prajapati S/o Kali Charan Prajapati, Aged About 26 Years R/o Ward No.06 Deepaka, Civil & Revenue Distt. Korba, Chhattisgarh

---- applicant**Versus**

1. Rakesh Kumar Chauhan S/o Sahetarram, Aged About 24 Years R/o Rangole, P.S. Pali, Civil & Revenue Distt. Korba, Chhattisgarh
2. Sapna Singh W/o Lallu Singh, Aged About 25 Years R/o B-565, Pragti Nagar, S.E.C.L. Dipika Project, P.S. Deepaka, Civil & Revenue Distt. Korba, Chhattisgarh
3. National Insurance Company Limited, Branch Office 13, Minu Complex, Kosabadi Korba, Choukey I T I Rampur P.S. City Kotwali, Korba, Chhattisgarh

---- Respondents

For Applicant– Shri S.V. Purohit, Advocate.
Respondents not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order

17/3/2017

1. Heard on admission.
2. After the order passed in MAC No.161/2016 dated 12.1.2017, the said MAC was dismissed as this Court finds no error or law committed by the trial Court regarding non-furnishing of permanent disablement certificate. The applicant/appellant had preferred the instant review petition praying that under the provisions of Section 140 of the Motor Vehicles Act with doctrine of no fault liability Rs.25,000/- may be allowed for the applicant as he had filed the permanent disablement certificate Annexure A/1 before the Court below.
3. Learned counsel for the applicant duly supported the grounds taken in the Review Petition and drawn attention of this Court to Annexure A/1 and would

submit that appreciation of MAC No. 161/2016 dated 12.1.2017 in para 8 is not based on the correct facts, hence, Rs.25,000/- as no fault liability may be granted to the applicant.

4. Perused the Annexure A/1 and the order passed by this Court dated 12.1.2017 in MAC No. 161/2016 whereby and whereunder this Court finds no reason for interference with the order passed by the concerned Tribunal dated 15.12.2015 in which the learned Tribunal dismissed the interim application of the claimant under Section 140 of the Motor Vehicles Act for interim compensation of Rs.25,000/- on the principles of no fault liability.

5. The scope of review is very limited. Also after perusal of Annexure A/1, it appears that the word “permanent” is not mentioned in Annexure A/1. With this, the trial Court has dismissed the interim application under Section 140 of the Motor Vehicles Act. This Court too after appreciating Section 140 of the Motor Vehicles Act and also with the fact that there is no certificate for “permanent disablement”, dismissed the MAC as not maintainable.

6. On due consideration, as the word permanent is not mentioned prior to the word disability, I do not see any reason to review the order of this Court dated 12.1.2017. With this, the Review Petition being sans substance is dismissed at the motion stage itself.

7. The Review Petition is dismissed.

Sd/

(Chandra Bhushan Bajpai)
Judge