

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 121 of 2017

1. The Oriental Insurance Company Ltd. Through Divisional Manager, Division Office, Madina Manjil, Kachhari Chow, Jail Road, Raipur, District Raipur, Chhattisgarh. (Respondent 3)

---- Petitioner

Versus

1. Tuleshwar Lahare S/o Dahak Ram Lahare Aged About 28 Years R/o Through Dr. P. Orashad Lahare, Village Chote Sipath, Post Bade Sipath, Police Station Malkharoda, District Janjgir-Champa, Chhattisgarh. (Claimant)
2. Sunil Kumar Chandrakar S/o Vijay Prasad Chandrakar R/o Chawla Petrol Pump, Police Station Mandir Hasaud, Tahsil And District Raipur, Chhattisgarh.
3. Dilip Kumar Keshwani S/o Attarchand Keshwani R/o Shankar Nagar, Near Rajendra Park Chowk, G. E. Road, Police Station Durg, District Durg, Chhattisgarh.

---- Respondent

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.427/2013.

2. Counsel for the petitioner submits that the amount of compensation has been assessed on the higher side under certain heads and therefore, the same needs to be reduced suitably.
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 award of compensation under certain heads on higher side, 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