

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

RA-CR-22-CII OF 1989

Date of Decision: 22.11.2017

Babu Singh

. . . Applicant

Versus

Gurnam Singh and another

. . . Respondent

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: None for the applicant.

M.M.S. Bedi, J. (Oral)

From the reconstructed record, it transpires that respondent No.1-Gurnam Singh had filed a claim petition before the Motor Accident Claims Tribunal, Patiala for compensation on account of injuries sustained by him in the accident which had taken place on 15.02.1986. Gurnam Singh had been awarded compensation.

Applicant-Babu Singh aggrieved by the award dated 08.11.1988 had filed an appeal under Section 110-A of the Motor Vehicle Act, seeking the dismissal of the claim petition, but the said appeal bearing FAO No.318 of 1989 was dismissed on 20.03.1989 by the Division Bench of this Court. Review application was filed by Babu Singh under Order 47 Rule 1 CPC for recalling of the said final order, relying upon the judgment of Supreme Court in support of the plea that liability of Insurance Company cannot be ignored.

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While the review application No.22 of 1989 was pending, the record of the case appears to have been burnt. On reconstruction of the record, on the basis of the available material, review application has been listed for hearing before this Bench.

We have considered the facts and circumstances of the case.

Case has been called twice. None one has put in appearance on behalf of the applicant.

In view of the above circumstances, we have taken up the review application for consideration and are of opinion that FAO No.318 of 1989 having been decided on 23.03.1989, a period of about 28 years have elapsed. The order passed by this Court on 20.03.1989 could have been challenged before the Appellate Court, if so advised. The review appears to be not maintainable as the Division Bench of this Court cannot sit in appeal against its own order in case any illegality of facts and law has been committed.

The review application does not fall within the parameters of Section 114 read with Order 47 Rule 1 CPC.

Application for review is dismissed.

[M.M.S. BEDI]
JUDGE

[AUGUSTINE GEORGE MASIH]
JUDGE

November 22, 2017
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No