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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 119 of 2017**

(Arising out of order dated 29.07.2011 in Misc. Appeal (C) No. 326 of 2007 of the learned Division Bench)

- Rajendra Kumar Agrawal S/o Satyanarayan Agrawal, Aged About 55 Years R/o Transport Nagar Korba The District Korba Chhattisgarh (Owner Of Offending Truck) Repondent No. 3 Of M A C 326/07.

---- Petitioner

Versus

1. The New India Insurance Company Ltd Through Branch Manager, Branch Office Rajendra Nagar Chowk, Tehsil And District Bilaspur Chhattisgarh.Appellant Of M A C 326/07
2. Iswar Prasad S/o Hetram Kashyap Tilakram Aged About 32 Years R/o Village Salkha, Thana Takhatpur, Tehsil And District Bilaspur Chhattisgarh. Amended Address Village Salkha, Thana Ratanpur, District Bilaspur..... Respondent No. 1 Of M A C 326/07.
3. Chetan Singh S/o Roshan Singh Rathore, Aged About 32 Years R/o Village Sadhwani, Thana Pendra, District Bilaspur Chhattisgarh Present Address Transport Nagar Korba, Tahsil And District Korba Chhattisgarh.(Driver Of Offending Truck) Respondent No. 2 Of M A C 326/07.

---- Respondents

For Petitioner	:	Dr. Shiv Kumar Shrivastava, Advocate
For Respondents	:	None

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****08.01.2018**

1. This application seeking review of the judgment is by the owner of the vehicle which was involved in the motor accident.
2. We have heard the learned counsel for the review petition.
3. The Motor Accident Claims Tribunal passed an award under Motor Vehicles Act on 25.11.2006. That award created joint and several liabilities as against the

owner, driver and the insurer of the vehicle. The insurer filed an appeal to the High Court. This Court upheld the insurer plea that the driver did not have a valid licence and he had held out a fake document as licence. Thereby, the High Court exonerated the insurer from liability; however, preserving contentions of the owner regarding the quantum of compensation. That verdict does not by itself give an independent cause of action to the owner to challenge the quantum of compensation; without having instituted an appeal against the award of the Tribunal whereby comprehensive compensation was awarded, jointly and severally, including on the owner as well. Therefore, the award which was left unchallenged by the owner has become final as against him. This being so, notwithstanding, the aforesaid verdict in the appeal filed by the insurer, the review petitioner who had not filed any appeal against the quantum of compensation or the liability fixed on him cannot rake up that issue in the garb of a review petition, merely because the High Court, while deciding the insurer's appeal, had left open the question of quantum of compensation.

4. In the aforesaid view of the matter, we do not find that the petitioner has any right to seek relief against the quantum of compensation fixed and award passed by the Tribunal though this application seeking review of the judgment. This application, therefore, fails.
5. In the result, this review petition is dismissed in *limine*.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge