

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Review Petition No. 117 of 2018**

The Oriental Insurance Company Limited Through Branch Manager,  
The Oriental Insurance Co. Ltd. Manendragarh Road, Near  
Ambedkar Chowk, District Surguja, Chhattisgarh

**---- Petitioner****Versus**

1. Shanti Bai @ Kunwar Bai Wd/o Late Harilal, Aged About 42 Years,  
R/o Village - Kanakpur, Shilphili Police Station Jaijainagar Tahsil  
District Surajpur, Chhattisgarh
2. Indramani D/o Late Harilal, Aged About 20 Years R/o Village -  
Kanakpur, Shilphili Police Station Jaijainagar Tahsil District Surajpur  
Chhattisgarh
3. Parvati D/o Late Harilal, Aged About 18 Years, R/o Village -  
Kanakpur, Shilphili Police Station Jaijainagar Tahsil District Surajpur  
Chhattisgarh
4. Hemnarayan S/o Late Harilal, Aged About 15 Years (Minor), Through  
Natural Guardian Mother Smt. Shanti Bai @ Kunwar Bai, R/o Village  
- Kanakpur, Shilphili Police Station Jaijainagar Tahsil District Surajpur  
Chhattisgarh
5. Krishna S/o Late Harilal, Aged About 6 Years (Minor), Through  
Natural Guardian Mother Smt. Shanti Bai @ Kunwar Bai, R/o Village  
- Kanakpur, Shilphili Police Station Jaijainagar Tahsil District Surajpur  
Chhattisgarh
6. Ajay Prade S/o Late Premlal Parde, Aged About 31 Years, R/o  
Namna Kala Sharda Sheet Cover Chowk, Ambikapur, District  
Surguja Chhattisgarh
7. Dayashankar Yadav S/o Balgovind, Aged About 42 Years, R/o  
Mohhamadpur, District Gajipur Uttar Pradesh At Present Chopda

Colony Vishrampur, Tahsil Surajpur, Chhattisgarh

---- Respondents

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For Petitioner : Shri N. K. Malaviya, Advocate

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**30.11.2018**

Heard I.A. No.01/18 which is an application for condonation of delay in filing the review petition.

2. On due consideration, I.A. No.01/18 is allowed and the delay in filing the review petition stands condoned.

3. The present review petition has been filed seeking review of the order dated 08.02.2018 passed by this Court in MAC No. 221/2013. The MAC decided by this Court arose out of an award passed by the 1st Additional Motor Accident Claims Tribunal, Surajpur in Motor Accident Claim Case No. 119/2018.

4. The Tribunal while passing the award had awarded compensation of rupees 9 lakhs with interest @ 6% per annum to the claimants. The said award was subjected to challenge in MAC No. 221/2013 and this Court vide its judgment dated 08.02.2018 allowed the appeal and enhanced the compensation to Rs.36,27,565/- from Rs.9,00,000/-.

5. The sole ground of the petitioner Insurance Company while filing the revenue petition was that the assessment of compensation made by this Court was not proper in as much as the claimants had not produced the latest salary slip of the deceased employee for the assessment to be made and had relied upon some old salary slip which was produced in the

appeal. The contention of the petitioner is that the compensation could not have been granted as a bonanza to the claimants and thus, prayed for review of the award and sought for modification of the compensation accordingly.

6. Having heard the contention put forth by the counsel for the petitioner what cannot be lost sight is the scope of interference by this Court in a review jurisdiction. The scope of review jurisdiction is by now well settled by a series of judgments by the Supreme Court as well as by this Court. Review can only be entertained in case there is an error apparent on the face of the record. The order passed by this Court against which the review has been sought for, the petitioner has not been able to show any error on the face of the record.

7. Principle of law to entertain review petition is well settled in catena of decisions one of the latest being 2012(7)SCC 200 (Haryana State Industrial Development Corporation Limited vs. Mawasi and Others). Similar view has also been taken by the Supreme Court in cases of *Smt. Meera Bhanja vs. Smt. Nirmala Kumari Choudhary*<sup>1</sup>, *Lily Thomas, etc. vs. Union of India and others*<sup>2</sup>, *Ajit Kumar Rath vs. State of Orissa and others*<sup>3</sup>, *Government of T.N. and others vs. M. Ananchu Asari and others*<sup>4</sup> and *Kerla State Electricity Board vs. Hitech Electrothermics & Hydropower Ltd. and others*<sup>5</sup>.

8. The relief which has been sought by the petitioner cannot be provided under the review jurisdiction for the reason that the finding which has been given by this Court is based upon a salary slip of the deceased

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1 AIR 1995 SC 455

2 AIR 2000 SC 1650

3 AIR 2000 SC 85

4 2005 (2) SCC 332

5 2005 (6) SCC 651

employee of a particular month. It is not the case of the petitioner that the salary slip was in any manner a fake document which has been relied upon by the Court. Moreover, the finding arrived at by this Court is a finding of fact which cannot be interfered by way of review jurisdiction. The petitioner if at all is aggrieved by the impugned order, the petitioner has all the liberty of challenging the same before the appellate forum. Having not done so and filing of the review petition after about 200 days from the date of the order was passed, more particularly when the order is a bi-party order, this Court is of the firm view that the review petition is totally misconceived and uncalled for and the same deserves to be and is accordingly dismissed with cost.

9. As a result, the review petition stands dismissed with cost of Rs.10,000/- to be paid by the petitioner to the High Court Legal Services Authority within a period of 30 days from today failing which the authorities would be at liberty to initiate recovery proceeding for the same.

**Sd/-  
P. Sam Koshy  
Judge**