

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

**RA-CR-5-CII-2017 (O&M)
IN FAO-2075-2015 (O&M)**

Date of decision : 29.11.2018

SANTRA AND ANOTHER

...Appellants

Versus

M/S SATKAR LOGISTIC PVT. LTD. AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Monika Jangra, Advocate,
for Ms. Vandana Malhotra, Advocate,
for review-applicant/respondent No.3.

Mr. Surender Saini, Advocate,
for the non-applicant/appellants.

JITENDRA CHAUHAN, J. (Oral)

The applicant-Insurance Company seeks review of judgment dated 30.05.2016, whereby, the instant appeal was disposed of, on the ground that the applicant had moved application for recalling of impugned Award dated 06.01.2015, passed by learned MACT, Sonipat, as the vehicle in question was not insured by the applicant. The said application was accepted on 10.11.2015 and the award passed was modified to the extent that the Insurance Company was exonerated. However, due to oversight, this fact could not be brought to the knowledge of this Court by learned counsel for the Insurance Company. It is, thus, prayed that the judgment passed by this Court on 30.05.2016 be modified to the extent that the applicant be exonerated from the liability.

On the other hand, learned counsel for the non-

applicant/appellants has opposed the instant review application on the ground that order dated 10.11.2015, whereby, review application was allowed by the learned Tribunal, has been passed after the appeal had already been filed on 28.02.2015, for modification of the Award.

Heard.

It is to be noticed that Review under Section 114 CPC and Order XLVII CPC can be filed only in cases where no appeal has been preferred against the impugned order. Admittedly, the appeal for modification of the impugned Award had been filed before this Court on 28.02.2015, i.e. prior to filing of the review application on 17.04.2015. Therefore, order dated 10.11.2015, passed by learned Tribunal allowing the review application is non est. No sufficient grounds for review of judgment dated 30.5.2016 are made out, at this stage.

Moreover, the review application is accompanied by applications for condonation of delay of 214 days in filing the same. This huge and inordinate delay has not been sufficiently explained.

In this view of the matter, the review application is hereby dismissed on merits as well as on delay.

29.11.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No