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HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No. 127 of 2019**

- Branch Manager, New India Insurance Company Ltd. Near Dena Bank Nandini Road Bhilai, District Durg (C.G.)
(Insurer of Vehicle Trailer No. CG-04-JB-7055)

---- Petitioner

Versus

1. Smt. Lalita Singh Wd/o Late Ram Tahal Singh aged 36 years
2. Ku. Rasmi Singh D/o Late Ram Tahal Singh aged 14 years
3. Priyansu Singh D/o Late Ram Tahal Singh aged about 12 years
4. Ku. Siwani Singh D/o Late Ram Tahal Singh aged about 09 years
5. Ayush Singh, S/o Late Ram Tahal Singh, aged about 07 years
6. Aryan Singh S/o Late Ram Tahal Singh, aged about 04 years
7. Ram Sunder Singh, aged 78 years S/o Ramawatar Singh (Father of deceased)
8. Smt. Rajpati Devi W/o Ram Sunder Singh, aged 72 years (Mother of deceased)
Appellants No. 2 to 6 are minor through their Natural Guardian mother Smt. Lalita Singh Appellant No.1
All R/o Near Higher Secondary School Bhathapara Old Basti Ward 7 Kohka P.S. Supela Bhilai Tahsil and District Durg (C.G.)
9. Amarjeet Kumar, S/o Shiv Paras Singh, aged about 26 years, R/o Near Mourya Kirana Shop, Ghasidas Nagar, Ward No. 15, P.S. Jamul Bhilai, District Durg (C.G.)
(Driver of Vehicle Trailer No. CG-04-JB-7055)
10. Sanjay Kumar Singh S/o Shiv Paras Singh, aged 40 years, R/o Ward 15, P.S. Jamul Bhilai, Tahsil and District Durg C.G. through JCB Transport Nagar Bhilai Tahsil and District Durg (C.G.)
(Owner of Vehicle Trailer No. CG-04-JB-7055)

---- Respondents

For Petitioner	:	Shri H.B. Agrawal, Senior Advocate with Shri Pankaj Agrawal, Advocate
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Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****08.08.2019**

Heard on admission.

2. By way of review petition, the petitioner/Insurance Company has sought modification in judgment dated 15.02.2019 passed by this Court in M.A.(C) No. 1305 of 2014 on the ground that the coordinate Bench has passed the judgment on

Review Petition No. 127 of 2019

14.05.2019 in M.A.(C) No. 1206 of 2013 involving identical issue wherein the Insurance Company has been exonerated of its liability and directed to first pay amount of compensation and thereafter to recover the same from the insured.

3. Vide judgment dated 15.02.2019 in M.A.(C) No. 1305 of 2014, filed by the Claimants seeking enhancement of compensation, this Court after hearing the parties and the evidence available on record, has awarded additional compensation of Rs.1,84,112/- with interest as awarded by the Tribunal in favour of the Claimants. Further, this Bench has held the Insurance Company jointly & severally liable along with driver and owner for paying the entire amount of compensation with interest to the Claimants. No counter appeal or cross-objection was filed by the Insurance Company in the said matter.

4. Since the subsequent judgment passed by coordinate Bench on 14.05.2019 in M.A.(C) No. 1206 of 2013 exonerating the Insurance Company is based on different facts and circumstances, the same cannot be a ground for modification of the judgment dated 15.02.2019 passed by this Court in M.A.(C) No. 1305 of 2014.

5. In view of the above, review petition being without any substance is liable to be dismissed at the admission stage itself and is, accordingly dismissed.

Sd/-
(Gautam Chourdiya)
Judge