

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 154 of 2019**

- The Oriental Insurance Company Limited, Through Manager, The Oriental Insurance Company Limited, Itwari Bazar, Raigarh, Tahsil And District Raigarh Chhattisgarh.

---Applicant**Versus**

1. Smt. Chanda Bai Wd/o Late Bharat Singh Rathia Aged About 45 Years Occupation Housewife,
2. Gurudayal Singh Rathia S/o Late Bharat Singh Rathia Aged About 26 Years
3. Girja Shanker Rathia S/o Late Bharat Singh Rathia Aged About 24 Years
4. Ramdayal Rathia S/o Late Bharat Singh Rathia Aged About 21 Years

All Caste - Kanwar, R/o Village Barbaspur, Police Station Chhal, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

5. Guru Prasad Sahu S/o Tarachand Sahu, Occupation - Driver, R/o Amodi, Police Station Bamhndih, Tahsil And District Janjgir Champa Chhattisgarh.
6. Hitendra Kumar Pandey S/o Pradeep Kumar Pandey, Occupation Owner of Vehicle, R/o Bhojpur Manjhla Talab, Station Road, Champa, Tahsil And District Janjgir Champa Chhattisgarh.

---- Respondents

For Applicant	Shri Pankaj Agrawal, Advocate.
For Respondents	None.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

12/09/2019

1. Heard on **I.A. No.1**
2. This is an application for condonation of delay of 24 days in filing the Review Petition.

3. For the reasons mentioned in the application which is duly supported by affidavit, the same is allowed and delay in filing the Review Petition is condoned.
4. Also, heard on admission.
5. By way of this review petition, the applicant/Insurance Company has sought modification in the judgment dated 15.04.2019 passed in MAC No.568 of 2014 and MAC No.744 of 2014 to the extent that while assessing the quantum of compensation, this Court has wrongly applied the multiplier of 13 by considering the age of the deceased as 50 years whereas according to the date of birth mentioned in his PAN Card, his age comes to 55 years and as such the applicable multiplier in this case is 11. Being so, the compensation is required to be reassessed and reduced suitably. Counsel for the applicant has filed an application under Order 41 Rule 27 of CPC for taking the PAN Card of deceased on record for considering his age.
6. Admittedly, the document of PAN Card was not filed before the Tribunal till the date of final disposal of the claim petitions. No such ground was ever raised by the Insurance Company before this Court while advancing arguments in the aforesaid appeals. Thus, this Court considering the material available on record, the finding of the Tribunal regarding age of the deceased and the fact that no contrary evidence regarding age of the deceased was adduced by the Insurance Company, assessed the age of the deceased as 50 years. The application under Order 41 Rule 27 of CPC filed by the applicant being not maintainable at this stage is

rejected. Therefore, this Court finds no ground for review of its judgment dated 15.04.2019 as sought by the Insurance Company.

7. In the result, the review petition being bereft of any substance is liable to be dismissed at the admission stage itself and, is accordingly, dismissed.

Sd/-
Gautam Chourdiya
Judge

Akhilesh