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HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 624 of 2019**

Cholamandlam M.S. General Insurance Company Limited,
Vidhansabha Road, Pandri, Tahsil & Distt. Raipur, Chhattisgarh.

---- Petitioner**Versus**

1. Smt. Sunita Bai Wd/o Domar Allies Doman Allies Dallu Yadav, Aged 20 years.
2. Ku. Pushpa, D/o Domar Yadav, Aged 04 months, Minor.
3. Rajendra Yadav S/o Topsingh, Aged 45 years.
4. Smt. Rajim Bai W/o Rajendra Yadav, Aged 43 years.
5. Premlal Yadav S/o Rajendra Yadav, Aged 18 years.

Minor respondent No. 2 represented through respondent No. 1 Smt. Sunita Bai. All Residents of Village Khertha, Thana Jamul, Post Surdunga, Distt. Durg, Chhattisgarh.

6. Rajendra Nishad S/o Banshi Nishad, Aged 19 years, R/o Village Karkanda, Thana Berla, Post Godhi, Distt. Durg, Chhattisgarh.
7. Suresh Sahu S/o Jyotish Sahu, Aged 27 years, R/o Village Rawabhatha, Adarsh Para, Ward No. 27, Thana Khamtarai, Distt. Raipur, Chhattisgarh.

----Respondents

For Petitioner : Mr. Rohitashva Singh, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09.08.2019**

1. Learned Motor Accidents Claims Tribunal passed an award dated 24/04/2012 in favour of respondents No. 1 to 5 fastening liability upon the petitioner company. The petitioner company challenged the said award by way of filing application under Order 47 Rule 1 read with Section 114 of the CPC for review of

the award which has been rejected by learned Motor Accidents Claims Tribunal vide order dated 27/08/2018, finding no error apparent on the face of the award, being aggrieved of which, this writ petition under Section 227 of the Constitution of India has been preferred by the petitioner company.

2. Learned counsel for the petitioner submits that learned Motor Accidents Claims Tribunal is absolutely unjustified in rejecting the application filed by the petitioner for review of the award and has committed an error which is apparent on the record, as such, the review application ought to have been entertained.
3. I have heard learned counsel for the petitioner, considered his submissions and went through the records with utmost circumspection.
4. Learned Motor Accidents Claims Tribunal has clearly held that there is no error apparent on the face of the record and has consequently, dismissed the review application filed by the petitioner under Order 47 Rule 1 read with Section 114 of the CPC by passing the impugned order, in which I do not find any jurisdictional error.
5. Accordingly, the writ petition stands disposed of. However, the petitioner is at liberty to prefer an appeal, along with an application for condonation of delay, in accordance with law. It is made clear that this Court has not expressed any opinion on the question of delay. It will be considered by the appellate Court on its own merit.

Sd/-
(Sanjay K. Agrawal)
Judge