

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

MISC. CIVIL APPLICATION NO.602/2017

IN

CIVIL APPLICATION (CAF) NO.6393/2007

AND

CIVIL APPLICATION (CAF) NO.1804/2010 IN FIRST APPEAL NO.335/2006 (D)

Sanjay s/o Gulabrao Junonkar

...Versus...

United India Insurance Co. Ltd. through its Branch Manager, Chandrapur
Branch, Chandrapur Tah. and Distt. Chandrapur (MS) and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Deoul Pathak, Counsel for applicant
Shri C.A. Anthony, Counsel for non-applicant no.1

CORAM : SUNIL B. SHUKRE, J.

DATE : 11/09/2019

1. Heard.
2. The main ground taken in this review application is the corrected "AA" form, which is, according to the learned Counsel for the review applicant, a change in circumstances.
3. The learned Counsel for the review applicant submits that the corrected "AA" form would show that the ownership of the vehicle in question has changed the hands, it having been transferred to one Rakesh Chavan well before the date of accident and therefore, the order passed by the Tribunal would have to be set aside to the extent it fastens liability upon the review applicant, who was the

respondent no.3 in First Appeal No.335/2006 and the cross-objector in Cross-Objection No.30/2007.

4. Shri C.A. Anthony, the learned Counsel appearing for the non-applicant – Insurance Company submits that all these aspects of the matter have been taken care of while deciding the first appeal and the cross-objection on 06/12/2016 by this Court and therefore, there is no merit in the review application.

5. On going through the judgment dated 06/12/2016 passed by this Court in First Appeal No.335/2006, I find that the learned Counsel for the Insurance Company is right in his submissions and therefore, I further find that there is no merit in the review application. The observations made in paragraph nos.5 and 6 would show that the aspect of corrected “AA” form has been exhaustively dealt with and this Court has also found that the review applicant, in any case, would have remedy available against the new owner. So, the remedy for the applicant would lie elsewhere and not before this Court.

6. In this view of the matter, this review application deserves to be dismissed and it is dismissed accordingly. No order as to costs.

JUDGE