

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

MISC. CIVIL APPLICATION NO. 753 /2015 IN
FIRST APPEAL NO. 204/2000 (DECIDED)

Ramesh Satyanarayan Karwah V/s Oriental Insurance Company Ltd., 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 L.H. Kothari, counsel for the applicant.
Shri Lalit Limaye, counsel for the non-applicant no.1.
Ms G. Dive, counsel h/f Shri P.R. Agrawal, counsel for the non-applicant Nos.
2 to 5.

CORAM: ARUN D. UPADHYE, J.

DATE: 22-01-2019.

Heard learned counsel for the applicant as well
as for the non-applicants.

Shri L.H. Kothari, learned counsel for the applicant has submitted that Court while allowing the appeal has considered the documents i.e. Proposal Form, and without giving any opportunity to the applicant, he therefore, submitted that there is a apparent error on the face of record therefore, application be allowed.

Shri Lalit Limaye, learned counsel for the non-applicant however, opposed the application and submitted that this Court has considered the evidence on record, more specifically, Exhibit No. 73 and the offending vehicle was not insured with the Insurance Company and therefore, there is no error apparent on the face of the record. Hence,

the application be rejected.

Considering the submissions of the learned counsel for the applicant, I have carefully perused the judgment under review, I find that there is no error apparent on the face of record, while deciding the appeal. The submission put-forth on behalf of learned counsel for the applicant, that this Court has considered the Proposal Form, without giving opportunity while deciding the appeal, and therefore there is an apparent error on the face of record, cannot be accepted.

Submission put-forth on behalf of the applicant, that the case was closed for the judgment and that time the Insurance Company was asked to produce the documents. After hearing both the sides the matter is decided. Therefore, I do not find any merit in the submissions put-forth on behalf of the applicant.

Learned counsel for the applicant has placed reliance on the following rulings:-

“1] Smt. Meera Bhanja V/s Smt. Nirmala Kumari Choudhury reported in AIR 1995 SC 455.

2] Kamlesh Verma V/s Mayawati and others reported in 2013 (8) SCC 320.

3] Chairman and Managing Director, Central Bank of

India and others V/s Central Bank of India Scheduled Castes/ Scheduled Tribes Employees Welfare Association and others, reported in 2016 (13) SCC 135.

4] Susana Rani David and another V/s Esther Jaspher Swaminathan and others, reported in 2016 (16) SCC 795”.

On the facts and circumstances of the case, the above rulings are not made applicable.

The application filed by the applicant for review of the judgment passed by this Court on 8/4/2010, is devoid of any merit and liable to be dismissed.

Hence, I pass following order :-

ORDER

1] The Misc. Civil Application No. 753/2015 is hereby **dismissed**.

2] No order as to costs.

JUDGE