

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Review Petition No. 59 of 2020

1. Smt. Parwati Yadav, Aged about 37 Years, W/o Late Dinesh Yadav, Occupation House Wife
2. Gopal Yadav, Aged About 18 Years, S/o Late Dinesh Yadav
3. Mohan Yadav, Aged About 16 Years, S/o Late Dinesh Yadav
4. Vijay Yadav, Aged About 13 Years, S/o Late Dinesh Yadav
5. Mahesh Yadav, Aged About 10 Years, S/o Late Dinesh Yadav

Appellants No. 3 to 5 Minor, Mother Appellant No.1 His Legal Guardian Smt. Parwati Yadav

All R/o House of Firanta, Near Govt. School Godwara, Raipur (C.G.)

---- Appellants/Applicants/Claimants

Versus

1. Karan Singh, Aged about 50 Years, S/o Kishan Singh, Occupation of Truck Driver, R/o Gali No.3, House of Sujan Singh Jetiya Bhutiya Padav Haldwani, Thana- Bhutiya Padav, District Naini Tal (Utrakhand)
(Driver)
2. Gandip Singh S/o Gurdeep Singh, Address- E/590, Aajad Nagar Sarhind Road, Patiyala
(Owner)
3. The National Assurance Company Limited, Through Officer, G.T. Road, Khana, through Branch Manager, Branch Office- Mobin Mahal, G.E. Road, Raipur, District Raipur (C.G.)
(Insurer)
4. Smt. Shyama Yadav, W/o Late Kishan Yadav, R/o Bhandari Para, Tahsil & District Kanker (C.G.)

---- Respondents/Non-applicants

For Applicants	:	Shri Akhilesh Mishra, Advocate
For Respondents	:	None

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

27.02.2020

1. Heard on I.A. No. 01 of 2020.
2. This is an application for condonation of delay of 305 days in filing the review petition.
3. For the reasons mentioned in the application which is supported by affidavit, the same is allowed and the delay in filing the review petition is condoned.

4. Heard on admission.

5. By way of this review petition, the applicants/claimants has sought modification in the judgment dated 05.02.2019 passed in MAC No. 1118 of 2014 to the extent that in view of the judgment of the Hon'ble Supreme Court in the matter of **National Insurance Co. Ltd. Vs. Pranay Sethi, (2017) 16 SCC 680**, Rs.70,000/- is fixed for conventional heads i.e. Rs.15,000/- for loss of estate; Rs.40,000/- for loss of consortium and Rs.15,000/- for funeral expenses, but in the above conventional heads, in total amount of Rs.54,500/- has been awarded to the claimants which is mentioned in para-9 of judgment impugned in column Nos. 5, 7 & 8, it is against the law which deserves to be enhanced suitably.

6. Having heard learned counsel for the applicants and perused the judgment sought to be reviewed, this Court has maintained the award of Rs.50,000/- for loss of consortium; Rs.2,000/- for funeral expenses and Rs.2,500/- for loss of estate as awarded by the Tribunal in above heads in column Nos. 5, 7 & 8 of the judgment impugned. Further, the Tribunal had already awarded higher amount of Rs.1,50,000/- for love and affection @ Rs.50,000/- to the Claimants No. 3, 4 & 5 each which were as it is maintained by this Court in column No. 6 of para-9 of the judgment impugned, hence, this Court has not enhanced the amount of conventional heads. Therefore, this Court is of the opinion that all the relevant aspects of the matter have already been considered by this Court. There is no ground to review the judgment dated 05.02.2019 and this Court has awarded enhanced amount of compensation of Rs.1,10,250/- to the claimants, the same being just and proper needs no inference by this Court.

7. Accordingly, the review petition being without any substance is hereby dismissed at the motion stage.

Sd/-
(Gautam Chourdiya)
Judge