

HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 02 of 2021**

- Hemant Kumar Soni S/o Late Komalchandsoni, Aged About 26 Years
R/o Kamthi Line, Near State Bank Rajnandgaon, P.S. City Kotwali,
Tahsil Rajnandgaon, Civil and Revenue District Rajnandgaon,
Chhattisgarh

---- Petitioner /applicant**Versus**

1. Harkesh Kumar S/o Prahlad Kushwaha, R/o Javhir Narendra, P.S.
Tariyasujan, Civil and Revenue District Rajnandgaon (Chhattisgarh)
2. Harishanker, S/o Ratansingh Verma, R/o Hig-13, Phase- 1C
Krishnapuram, P.S. Not Mentioned, Hoshangabad Road, Bhopal, Civil
and Revenue District Bhopal (Madhya Pradesh).
3. Oriental Insurance Co. Ltd. Through Branch Manager, Branch Office
Station Road, Near L.I.C. Office, Rajnandgaon, P.S. City Kotwali
Rajnandgaon Tahsil Rajnandgaon, Civil and Revenue District
Rajnandgaon Chhattisgarh

----Respondents

For Petitioner	: Shri Rakesh Thakur, Advocate
For Respondent- 3	: Shri Pankaj Agrawal, Advocate

Hon'ble Shri PR Ramachandra Menon, Chief Justice &
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

Per Parth Prateem Sahu, J.**15.01.2021**

1. By this Review Petition, applicant has sought for review of the
judgment dated 10.07.2020 passed in MAC No. 812/2013.
2. Mr. Rakesh Thakur, learned counsel for the applicant submits that
during the pendency of proceedings in MAC No. 812/2013, he has
filed an application on 09.07.2020 for deleting the name of
appellant no. 1, who died during the pendency of appeal. He
further submits that though the application was taken into
consideration but inadvertently no order was passed for deletion
of name of appellant 1 in the memo of appeal, hence, the order
passed by this Court in MAC No. 812/2013 could not be executed.

He submits that the judgment dated 10.07.2020 be recalled as no order can be passed in favour or against a dead person.

3. Mr. Pankaj Agrawal, learned counsel appearing for Insurance Company does not dispute the factual submissions made by the learned counsel for the applicant.
4. We have heard learned counsel for the respective parties and also perused the record of claim case which shows that the applicant has moved an application on 09.07.2020 for deletion of name of appellant no. 1, but inadvertently no order has been passed on the said application and the impugned judgment dated 10.07.2020 came to be passed showing the name of appellant no. 1, in cause title, who, on the date of passing of judgment, had passed away.
5. In the aforementioned facts of the case, impugned judgment dated 10.07.2020 is recalled.
6. Consequently, application is allowed. MAC No. 812/2013 is directed to be restored to its original number.

Sd/-
(PR Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge