

RAJESH KUMARI AND OTHERS

Versus

NEERAJ YADAV AND OTHERS

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NATIONAL INSURANCE COMPANY LTD.

Versus

RAJESH KUMARI AND OTHERS

Present: Mr. Vinod Gupta, Advocate
for the applicant-insurance company.

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Mr. Shashi Kumar Yadav, Advocate
for the non-applicants/claimants.

LISA GILL, J.

This order shall dispose of CM-13580-CII-2021 and RA-CR-77-2021 in FAO-878-2019 as well as CM-217-CII-2022 and RA-CR-2-2022 in FAO-3500-2019, as an identical question arises for consideration in both the review applications.

FAO-878-2019, filed by the claimants and FAO-3500-2019, filed by the insurance company, arising out of award dated 05.09.2018, passed by learned Motor Accident Claims Tribunal, Jhajjar, had been decided on 04th September, 2019. FAO-3500-2019, filed by the insurance company was dismissed and FAO-878-2019, filed by the claimants was disposed of with modification in the compensation awarded to the claimants as is detailed therein. Appellant-insurance company filed SLP No.617 of 2020 before the Hon'ble Supreme Court, which was dismissed on 23.01.2020. Order dated 23.01.2020 reads as under:-

“Delay condoned.

The Special Leave Petition is dismissed. It is open for the petitioner to approach the High Court seeking review if the petitioner so chooses.

Pending application(s), if any, stands disposed of accordingly.”

Learned counsel for the applicant-insurance company submits that income of the deceased has been incorrectly calculated as certain allowances namely transport allowance, washing allowance and ration allowance should not have been included in the income of the deceased.

Heard learned counsel for the applicant-insurance company, who seeks to re-agitate the matter regarding calculation of income of deceased, who was admittedly in receipt of monthly salary of Rs.38,073/-. I do not find any ground whatsoever for review of decision dated 04.09.2019. Review applications are accordingly dismissed.

There is a delay 163 days in filing of RA-CR-77-2021 in FAO-878-2019 as well as RA-CR-2-2022 in FAO-3500-2019. In the facts and circumstances of the case, decision on the applications for condonation of delay in filing the review applications is rendered academic. Applications are disposed of accordingly.

A photocopy of this order be placed on the file of above mentioned connected case.

April 26, 2022

Sunil

**(Lisa Gill)
Judge**