



Rev.Aplc.(MD).No.16 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

REV.APLC(MD).No.16 of 2023

Anand

... Peitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kancheepuram.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirchirappalli.

Respondents

PRAYER: This Review Application is filed under Order 47 Rule 1 CPC
r/w. 114 CPC to review the Judgment and Decree, dated 29.11.2021 made
in CMA(MD).No.756 of 2021 on the file of this Court.

For petitioner : Ms.D. Deepamathi



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ORDER

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This Review Application has been filed to review the Judgment and Decree, dated 29.11.2021 made in CMA(MD).No.756 of 2021 on the file of this Court.

2. The above Civil Miscellaneous Appeal has been filed by the petitioner / claimant against the compensation awarded by the Trial Court in the Motor Accidents Claims Tribunal. The Tribunal has awarded a sum of Rs.22,21,547/- as compensation. However, the Tribunal while awarding compensation, adopted multiplier method, taking note of the fact that there is 40% permanent partial disability and awarded a sum of Rs. 18,14,400/- under the head of Permanent disability. In appeal, this Court reversed the finding of the Tribunal holding that there is no pleadings to the extent of claiming that the claimant lost his job. Further, the Doctor was not examined to show that he could not do his duty due to the accident whereas he was discharged from the hospital on 05.07.2014 and treated as out-patient. Accordingly, this Court awarded the compensation at the percentage basis. Now to review the above Judgment, this application has been filed by the petitioner / claimant.



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3. On the very face of the application, this Court is of the view that the petitioner seeks to set aside the Judgment passed by this Court as a Appellate Court. When the petitioner is aggrieved with the Judgment, the remedy is to file an appeal and not to seek review. The clear finding recorded by this Court on the ground that the Tribunal has arrived at the compensation in a correct manner. If such a review application is entertained, the same is nothing but sitting over the own Judgment of this Court. Hence, I do not find any error apparent on the face of records to review the Judgment of this Court.

4. Accordingly, this Review Application is dismissed. No costs.

17.03.2023

Index : Yes/No
Internet : Yes/No
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N.SATHISH KUMAR, J.

trp

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