



Rev.Applc.(MD).No.145 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Rev.Applc.(MD).No.145 of 2021

Suresh

... Petitioner

Vs.

1. Writer Safeguard Private Limited,
D.No.C-119, Sundarar Street,
Alagappa Nagar,
Madurai,
(Set ex-parte in Lower Court).

2.M/s. ICICI Lombard General Insurance Company Limited,
represented by its Branch Manager,
ICICI Lombard,
House, D.No.414, Veer Avarkar Marg,
Nearby Sithi Vinayagar Kovil Prabhadevi,
Mumbai

... Respondents

PRAYER: The Review Application is filed under Order 47 Rule 1 of C.P.C. r/w. Section 114 of C.P.C., against the judgment and decree dated 06.02.2019 passed by this Court in C.M.P.(MD).No.12253 of 2018 in C.M.A.(MD).SR.No. 47960 of 2018

For Petitioner : Mr.S.Pugalendhi

For R2 : Mr.P.Pethu Rajesh



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ORDER

This Review Application has been filed to review the order of this Court dated 06.02.2019, in confirming the award passed by the Tribunal.

2. The Motor Accident Claims Tribunal has taken 60% disability and awarded compensation and the same has been challenged by the appellant herein. This Court has dismissed the appeal and confirmed the judgment of the Tribunal.

3. Now, the same sought to be reviewed on the ground that the compensation ought to have been enhanced and 100% disability ought to have been taken. This Court is of the view that under the premise of the review, the appellant seeks to challenge the very judgment of this Court and convert the jurisdiction one of the appellate Court to sit over its own judgment. If at all the petitioner is not satisfied with the judgment or aggrieved by the judgement of this Court, the remedy available to the petitioner is to file an appeal and not to seek review. The review petition will be maintained when there is an error apparent on the face of the record.



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4. Admittedly, a perusal of the judgment reveals that this Court has dismissed the appeal filed by the appellant and confirmed the judgment of the Tribunal and there is no error apparent on the face of the record to review the judgment of this Court.

5. Such being the position, if at all the petitioner is aggrieved by the judgment, remedy is to file an appeal and not before this Court to review the judgment, particularly in the absence of any error on the face of the record.

6. In the result, this Review Application is dismissed. No costs.

18.04.2023

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To

M/s. ICICI Lombard General Insurance Company Limited,
represented by its Branch Manager,
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N.SATHISH KUMAR,J.

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