IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RA-CR-4-2022;
CM-735-CII-2022 in
FAO-8192-2017
Reserved on: 22.03.2023
Date of pronouncement: 27.03.2023

M/s Royal Sundram Alliance Insurance Company Ltd.

...Appellant

Versus

Shyamwati and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. DK Prajapati, Advocate for the appellant.

Mr. Balkar Singh, Advocate
for respondents No.1 to 4.

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H.S. MADAAN, J.

CM-735-CII-2022

Allowed as prayed for subject to all just exceptions.

RA-CR-4-2022

Vide a detailed judgment dated 05.10.2021, the appeal filed by M/s Royal Sunderam Alliance Insurance Company Ltd., challenging the award dated 04.09.2017 passed by Motor Accidents Claims Tribunal, Palwal (hereinafter referred to as the Tribnual) as well as the cross objections filed by the claimants in that appeal were disposed of.

Appellant-insurance company, however, was dissatisfied with the order passed by this Court and had knocked at the door of Supreme Court of India by filing a petition for Special Leave to Appeal. However, during the course of proceedings, counsel representing the insurance company sought permission to withdraw the Special Leave Petition with liberty to move a review application before this Court. Accordingly, Special Leave Petition was dismissed as withdrawn with liberty as sought.

Thereafter, the insurance company has approached this Court by filing a review application. The grounds taken in review application are almost the same which were pleaded in the written statement by such insurance company before the Tribunal and set up in the grounds of appeal before this Court. The appeal of insurance company as well as cross objections were disposed of considering the stand taken by the contesting parties and pleas raised by them. The matter cannot be reopened in such a manner by considering an application for review.

In view of Section 114 as well as Order 47 CPC, of course, the scope of review is quite limited. The grounds taken in the application for review and submissions made by learned counsel for insurance company are on the merits of the case which have already been taken into consideration while passing the order. The judgments referred to by learned counsel for insurance company **Shri Ram Sahu (dead) through LRs & Ors. Vs. Vinod Kumar Rawat & Ors.**, 2020

(6) BCR 425, **Magma HDI General Insurance Co. Ltd. Vs. Mukesh Devi & Ors.,** 2018 (1) PLR 720 and **Surender Kumar Arora & Anr. Vs. Dr. Manoj Bisla & Ors.**, 2012 ACJ 1305 do not find application to this case due to different facts and circumstances and the context in which such observations have been made.

I do not see any reason to review the order. The application so filed is without merit and is dismissed accordingly.

27.03.2023 **(H.S. MADAAN)**

sumit.k **JUDGE**

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No