

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM-9467-CII-2019 in/and
RA-CR-67-2019 in
FAO-6657-2017
Date of Decision: 01.02.2023**

ANJU

..... Appellant(s)

Versus

ISHRAK KHAN AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankit Aggarwal, Advocate for
Mr. Pankaj Bali, Advocate for the applicant-appellant.

Mr. Rajneesh Malhotra, Advocate
for respondent no.3-insurance company.

None for respondent no.4, despite service.

LISA GILL, J.

CM-9467-CII-2019

There is a delay of 13 days in filing of the review application.

For the reasons mentioned in the application and arguments
addressed, delay of 13 days in filing of the review application is condoned.

Application is disposed of accordingly.

RA-CR-67-2019

Prayer in this application is for recall of decision dated
08.03.2019, whereby appeal filed by the present appellant/claimant was
dismissed.

A sum of ₹22,69,000/- was awarded as compensation to the
present appellant and respondent no.4 i.e. father of the deceased by the learned
Motor Accident Claims Tribunal, Karnal. This Court on finding no ground for
enhancement of the compensation, dismissed the appeal on 08.03.2019.

Learned counsel for the applicant/appellant submits that the counsel who had filed this appeal on the said date was indisposed having undergone a set of three surgeries. It was his associate, who argued the matter and could not bring to the notice of the Court that insurance company has filed FAO-3250-2017, in which notice of motion has been issued and there is a stay on disbursement of the amount beyond ₹5,00,000/-. It is further submitted that question regarding 50% of the compensation being granted to the father of the deceased not being a dependent, was also an issue but could not be urged before this Court. It is thus, prayed that instant review application may be allowed and decision dated 08.03.2019 be recalled.

Learned counsel for respondent no.3-insurance company is unable to deny that FAO-3250-2017 has indeed been filed on behalf of the insurance company and is pending adjudication where stay on disbursement of the amount beyond ₹5,00,000/- as awarded, was granted on 12.05.2017.

Keeping in view the facts and circumstances as above, in my considered opinion, it would be just and expedient to recall order dated 08.03.2019, so that the present appeal is heard alongwith FAO-3250-2017.

Accordingly, review application is allowed. Order dated 08.03.2019 is recalled. Appeal be listed on its original number and be taken up for hearing alongwith FAO-3250-2017.

List as per Roster.

**(LISA GILL)
JUDGE**

01.02.2023
Sunil

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No