HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Review Petition No. 24/2014
CNR: RJHC020413872014 | URN: CRW / 49U / 2014

New India Assurance Company Ltd. having it's Registered & Head Office at 87, M.G. Road Mumbai and its Regional Office at Nehru Place, Tonk Road, Jaipur

----Non-Applicant/Petitioner

Versus

1. Smt Guddi w/o Late Mohan Singh (Deleted), R/o Mahmadpura, Tehsil Bayan, District Bharatpur
2. Ku. Pravesh D/o Mohan Singh (Since Deceased), R/o Mahmadpura, Tehsil Bayan, District Bharatpur
3. Hazari, S/o Prabhati aged about 45 years, R/o Mahmadpura, Tehsil Bayan, District Bharatpur
4. Mst. Chandari w/o Hazari,, R/o Mahmadpura, Tehsil Bayan, District Bharatpur

----Applicants/Claimants/Respondent

For Petitioner(s)	:	Mr. Yogesh Singhal Ms. Saroj Singh
For Respondent(s)	:	

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

18/11/2026

1. The matter comes upon CMCC No.937/2014 filed under Section 5 of the Limitation Act seeking condonation of delay in filing the review petition.

2. For the reasons mentioned in the said application, the same is allowed, and delay of 23 days in filing the review is hereby condoned.

3. Learned counsel for the petitioner submits that the order deserves to be reviewed, as the High Court, while allowing the appeal, has not passed any order to the effect that the claimant

would be entitled to recover the awarded amount from the owner/ driver of the vehicle. He further submits that even this Hon'ble Court, while allowing S.B. Civil Misc. Appeal Nos. 726/2007 and 704/2007, has not passed any order to the effect that the claimants would be entitled to recover the awarded amount from the insurance company of the vehicle and that the insurance company would be entitled to recover the same from the owner and driver of the vehicle.

4. Heard learned counsel for the petitioner and perused the material available on record.

5. This Court finds that the apprehension of the petitioner that the order does not clarify that the claimant would be entitled to recover the awarded amount from the owner and driver of the vehicle is fallacious, as the appeals filed by the insurance company have been allowed and only the liability of the insurance company to pay compensation to the claimants has been exonerated. There is no order to the effect that the entire award has been set aside. Thus, the award continues to exist and is recoverable from the owner and driver of the vehicle, as the High Court has specifically exonerated only the insurance company.

6. The other contention of learned counsel for the review petitioner that the right of pay and recovery has not been granted cannot be re-argued in the review petition as if the petitioner were of the view that the appeals filed by the insurance company, bearing S.B. Civil Misc. Appeal Nos. 726/2007 and 704/2007, had been wrongly allowed. The petitioner was always at liberty to file an appeal against the said order, but certainly, such a contention

cannot be permitted to be raised through a review petition. Hence, this Court finds no reason to entertain the present review petition.

7. With the aforesaid observations, the present civil review petition is **dismissed**.

8. Pending application(s), if any, also stand disposed of.

(BIPIN GUPTA),J

Crt_21/D-A/78/MAHIMA