



**105 CM-5139 to 5141-CII-2025 in R.A. No. CR-29-2025 in
FAO No. 1989-2006
Xobjections 26 of 2025**

NARENDER (MINOR)

Vs.

RAMBIR & ORS.

Present: Mr. Sumit Sangwan, Advocate
for the applicant-respondent No. 2.

* * *

CM-5139-CII-2025

This is an application for condonation of delay of 95 days in filing the review application.

For the reasons mentioned in the application, the same is allowed and delay of 95 days in filing the review application is condoned.

RA-CR-29-2025

1. The review application has been filed by the applicant on the ground that the applicant was not aware about the appeal and when he received summons from the court in the month of October, 2024 for 5.11.2024, he engaged counsel to pursue the appeal who could not appear on the date fixed and resultantly appeal was decided in his absence. It is further averred that the applicant was having valid driving licence at the time of accident which he could not produce before the learned Tribunal and liability to pay the amount of compensation was wrongly fastened upon him by the learned Tribunal as well as by this Court.

2. I have heard learned counsel for the applicant and have gone through the record.

3. FAO No. 1989-2006 was filed by the claimant/appellant for enhancement of the compensation amount granted by the learned Tribunal, vide award dated 08.02.2006 passed in claim petition bearing No. 193-2004 filed under Section 166 of the Motor Vehicles Act, 1988. Further this Court allowed the appeal filed by the claimant seeking enhancement of the compensation amount, vide order/judgment dated 05.11.2024, in view of the

law laid down by Hon'ble the Supreme Court of India and the liability to pay the compensation amount was fastened upon respondent No. 1 and 2, on the ground that the learned Tribunal fastened the liability upon respondent Nos. 1 and 2 after appreciating the evidence on record. The liability to pay the compensation was never challenged by the applicant. The applicant-respondent No. 2 is unable to show any mistake apparent on record, which is the scope of review, therefore, the review application is dismissed.

CM-5141-CII-2025

The present application has been filed under Order 41 Rule 27 read with Section 151 of CPC for leading additional evidence in the appeal by way of filing copy of driving licence of respondent No.1.

Learned counsel for the applicant submits that inadvertently the copy of driving licence of respondent could not be placed before the learned Tribunal. He further submits that the driving licence of respondent No. 1 be taken on record as additional evidence and the Insurance Company be directed to verify the same. Therefore, he prays that the present application be allowed.

I have heard learned counsel for the applicant-respondent No. 2 and perused the whole record of this case.

A perusal of the record shows that the claimants filed the claim petition in the year 2004 and the same was decided in the year 2006 and that too in the presence of applicant-respondent No. 2. A perusal of the record further shows that full opportunity of being heard was granted to the applicant-respondent No. 2. There is nothing on record to show any reason due to which he could not produce the driving licence of respondent No. 1 at that point of time. The decision on Issue No. 3 by the learned Tribunal further shows that the driving licence of respondent No. 1 was not brought

on record despite opportunity granted to both respondent Nos. 1 and 2. Therefore, Issue No. 3 was decided in favour of respondent No. 3 by fastening the liability upon respondent Nos. 1 and 2 and by holding that respondent No. 1 was not having any valid driving licence. Further there is nothing on record to show that respondent No. 2 made any effort since 08.02.2006 i.e date of decision of the claim petition to file an appeal against the award dated 08.02.2006 on the ground that the liability has wrongly been fastened upon the applicant by the learned Tribunal.

In view of the above discussion, the present application filed under Order 41 Rule 27 read with Section 151 of CPC for leading additional evidence, is dismissed.

X-objections 26 of 2025

The cross objections are filed by the applicant in FAO No. 1989-2006 in the year 2025, after the decision of FAO No. 1989-2006 on 05.11.2024 and after a gap of almost 19 years. Further, the cross objector had a remedy of filing an appeal against award dated 08.02.2006 without any delay if he was aggrieved of the same, on the same ground which now at this stage after a gap of 19 years, he is taking. Therefore, the cross objections filed in the year 2025 after a gap of almost 19 years and after the decision of FAO No. 1989-2006 on 05.11.2024, cannot be allowed further. Further cross objections are barred by delay and laches and are thus accordingly dismissed. However, the statutory amount of Rs.25,000/- deposited by the cross objector as per Section 173(2) of Motor Vehicles Act 1988, in the Registry of this Court is ordered to be remitted to the applicant.

Pending application if any also disposed of.

23.05.2025
Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE