

125 RA-CR-143-2025 IN
FAO-3858-2022 (O&M)

GURMAIL KAUR AND OTHERS V/S YUSUF AND OTHERS

Present : Mr. Abhimanyu Kaley, Advocate,
for the applicant/respondent No.3

The present application has been filed under Order XLVII read with Section 151 CPC for review of judgment dated 22.08.2025 passed by this Court in the main appeal i.e. FAO-3858-2022, whereby an enhanced amount of compensation to the tune of Rs.61,946/- was awarded to the appellants/non-applicants.

Learned counsel for the applicant/respondent No.3 contends that applicant/respondent No.3 had filed an appeal i.e. FAO-1261-2020 titled as 'The New India Assurance Company Ltd. Vs. Gurmail Kaur and others' against the award dated 27.11.2019 passed by the learned MACT, Rupnagar, wherein the Co-ordinate Bench of this Court had reduced the compensation awarded by the learned Tribunal from Rs.60,41,806/- to Rs.59,75,048/-, vide its judgment dated 07.04.2021. He further contends that the issue qua assessment of compensation had been put to rest by Co-ordinate Bench of this Court, vide its judgment dated 07.04.2021. And in view of the same, the error apparent on the face of record has occurred since the compensation payable to the appellants/non-applicants has been re-assessed by this Court, vide its judgment dated 22.08.2025 passed in FAO-3858-2022.

I have heard learned counsel for the applicant/respondent No.3 and perused the case file with his able assistance.

Since the applicant-Insurance Company, who had appeared through its counsel as respondent No.3 before this Court, never brought to the notice of the Court that it had also preferred an appeal i.e. FAO-1261-2020 titled as 'The New India Assurance Company Ltd. v. Gurmail Kaur and others', arising out of the same impugned award dated 27.11.2019 passed by the learned MACT, Rupnagar, wherein Coordinate Bench of this Court had already reduced the compensation paid to the appellants/non-applicants by the learned Tribunal.

A perusal of the file further shows that FAO-1261-2020 titled as 'The New India Assurance Company Ltd. Vs. Gurmail Kaur and others' was filed in the year 2020 and was decided on 07.04.2021 by Co-ordinate Bench of this Court, in the absence of the claimants/non-applicants and without hearing them and the present appeal i.e. FAO-3858-2022 was filed on 13.07.2022, wherein the applicant/respondent No.3-Insurance Company was very much present and it was decided in the presence of learned counsel for the applicant/respondent No.3-Insurance Company.

In view of the above, no ground is made out for seeking review of the judgment/order dated 22.08.2025 passed by this Court.

Accordingly, the present application is **dismissed**.

(SUDEEPTI SHARMA)
JUDGE

30.09.2025
Virender