

130-1 RA-CR-97-2024 IN FAO-6632-2016

ABDUL MAZID AND ANOTHER

V/S

MOHD IMRAN AND OTHERS

Present: Mr. Rajbir Singh, Advocate
for the applicant/respondent No.3-Insurance Company.

Mr. Gaurav Tyagi, Advocate
for the non-applicants/appellants.

Mr. Rajesh Goyal, Advocate
for respondent No.4.

The review application has been filed by respondent No.3-Insurance Company, *vis-a-vis*, the judgment dated 25.04.2024 passed by this Court, whereby compensation granted by learned Motor Accident Claims Tribunal, to the appellants/claimants, on account of death of Ibrahim, was enhanced.

The appeal in hand was filed by the parents of the deceased-Ibrahim, whereas, now it is submitted that there is other appeal i.e. FAO-5115-2017, filed at the instance of Shanno, widow of the deceased-Ibrahim, which was also pending. However, during the course of arguments, the fact about pendency of the FAO-5117-2017 was not brought to the notice of the Court, by any of the parties, so as to facilitate the Court to adjudicate the said appeal along with the appeal in hand. Even though, the counsel for Shanno had made appearance on behalf of respondent No.4 in this appeal, but he also did not pin-point about any connected appeal to be pending. In the given circumstances, the appeal i.e. FAO-6632-2016, was disposed of.

However, while apportioning the enhanced amount to the appellants/parents of the deceased, the interest of the widow-Shanno, was also taken care of and 50% of the enhanced amount, was given to her.

In view of the aforesaid fact situation, no review application lies. Moreover, the counsel for the applicant/respondent No.3-Insurance Company, submits that in FAO-5117-2017, he has already filed an application to make a requisite prayer for adjudication on the appeal, filed by Shanno. In the given circumstances, review application, is not maintainable and as such, the same is hereby dismissed.

(ARCHANA PURI)
JUDGE

03.02.2025
Himanshu