



2026:CGHC:9343

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 30 of 2026

1 - Choramandalam Ms General Insurance Company Limited Ward No. 25, Second Floor, In Front Of L.I.C. Building, Simran Tower, Raipur Chhattisgarh (Insurer)

... Petitioner(s)

versus

1 - Umaram Nagesh S/o Mosuram Nagesh Aged About 30 Years R/o Chandela, Police Station - Mardum, District - Bastar Chhattisgarh (Claimant)

2 - Mahesh Yadav S/o Sonuram Yadav Aged About 37 Years R/o Village Chandela, Police Station - Mardum, Tehsil - Lohandiguda, District - Bastar Chhattisgarh (Driver)

3 - Sampat Singh Yadav S/o Sonuram Yadav Aged About 30 Years R/o Village Chandela, Police Station - Madum, Tehsil Lohandiguda, District Bastar Chhattisgarh (Owner)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Ms. Aditi Diwan, Advocate



Hon'ble Shri Justice Amitendra Kishore Prasad
Order On Board

23.02.2026

1. Heard.
2. The present Review Petition is being preferred by the Petitioner, being aggrieved by the Order dated 11.12.2025 passed by this Hon'ble Court in Civil Revision No. 248 of 2025, titled Chola mandalam MS General Insurance Company Limited versus Umaram Nagesh and Others, whereby the Civil Revision filed by the Revisionist challenging the impugned Award dated 03.03.2025 passed by the Learned First Additional Motor Accident Claims Tribunal, Bastar at Jagdalpur (C.G.) in MACT Case No. 287/2021, titled Umaram Nagesh versus Mahesh Yadav and Others, was dismissed on merits.

3. Following prayer has been made in this petition:-

“(i) Call for the entire records pertaining to the case of the Petitioner;

(ii) Allow the present Review Petition and review/modify the order dated 11.12.2025 (Annexure P-1) passed in Civil Revision No. 248 of 2025;

(iii) Recall the observations made on merits in the impugned order, to the extent they affirm the findings of the Learned Tribunal;

(iv) Restore the Civil Revision to its original number as



the issue involved is pending before the Hon'ble Supreme Court;

v. Pass such other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

4. Facts of the case are that the Petitioner is an Insurance Company which was directed by the Learned First Additional Motor Accident Claims Tribunal, Bastar at Jagdalpur, to satisfy an award of Rs. 25,000/- with interest by applying the doctrine of “pay and recover” in MACT Case No. 287/2021 arising out of an accident dated 04.05.2020 involving Bolero Pickup Vehicle No. CG-19-BE-5619, driven by Non-Applicant No. 01, owned by Non-Applicant No. 02, and insured with the Petitioner, wherein the injured claimant Umram Nagesh alleged that he was travelling as a loader, though the FIR disclosed that he was an unauthorized passenger, and it was further established that the vehicle was being operated without a valid permit and the driver did not possess a valid driving licence; aggrieved thereby, the Petitioner filed Civil Revision No. 248/2025 before this Hon'ble Court challenging the application of the “pay and recover” principle, specifically contending that the same is impermissible in cases of unauthorized passengers and absence of contractual liability, however, while the said Civil Revision was listed on 11.12.2025 only for hearing on an application for condonation of delay in payment of process fee, this Hon'ble Court orally observed that since the award amount involved was meagre, the revision was being dismissed only on that limited ground and such



dismissal would not affect two other pending matters arising out of the same accident, yet the uploaded order dated 11.12.2025 dismissed the Civil Revision on merits by affirming the findings of the Tribunal, thereby causing grave prejudice to the Petitioner, particularly in view of the pending connected matters involving identical questions of law.

5. Learned counsel for the Petitioner submits that the Civil Revision was dismissed by this Hon'ble Court on 11.12.2025 solely on the ground that the award amount involved was meagre, and not after adjudication on merits, as was clearly observed and dictated in open Court. It is submitted that the observations contained in the uploaded order, to the effect that no perversity, patent illegality, or misapplication of law was found in the impugned award, were neither argued nor examined and therefore constitute an error apparent on the face of the record, warranting exercise of review jurisdiction under Section 114 read with Order XLVII Rule 1 of CPC. Learned counsel further submits that the question relating to the applicability of the doctrine of "pay and recover" in cases involving unauthorized passengers is a substantial question of law and is presently under consideration before the Supreme Court of India in SLP (C) No. 8269 of 2025, ICICI Lombard General Insurance Co. Ltd. versus Arti Devi and Others, and that this Hon'ble Court itself has issued notice on the said issue in Civil Revision No. 3 of 2026, titled ICICI Lombard General Insurance Company Limited versus Devanand Manjhi and Others, on 07.01.2026. It is therefore submitted that affirmation of the Tribunal's findings on merits, despite the Civil Revision being dismissed only due to the nominal



amount involved, causes serious and irreparable prejudice to the Petitioner, particularly as two other connected matters arising out of the same accident are pending adjudication before this Hon'ble Court. Learned counsel thus submits that the impugned order, as uploaded, does not truly reflect the order dictated in open Court and deserves to be reviewed and suitably corrected in the interest of justice, equity, and consistency of judicial record.

6. None appears for the respondent.

7. I have heard learned counsel for the petitioner and perused the material available on record.

8. In the review petition, various grounds have been raised assailing correctness of the finding recorded by this Court. The grounds do not make out any case for review and the review petition appears to be more in nature of an appeal in disguise.

9. It is well settled that scope of review jurisdiction is extremely limited and only an error apparent on face of record can be corrected in the said jurisdiction and re-appraisal/re-appreciation cannot be done in exercise of said jurisdiction as that would amount to exercise of appellate jurisdiction which is impermissible in law as has been held in catena of judgments by the Hon'ble Apex Court, such as **Devaraju Pillai v. Sellayya Pillai**, reported in **(1987) 1 SCC 61**, **Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)**, reported in **(1995) 1 SCC 170**, **Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others**, reported in **(1996) 10 SCC 174**, **Lily Thomas etc. v. Union of India and others**,



reported in *AIR 2000 SC 1650, Akhilesh Yadav v. Vishwanath Chaturvedi and others*, reported in *(2013) 2 SCC 1 and Sasi (D) through LRS. v. Aravindakshan Nair and others*, reported in *(2017) 4 SCC 692*).

10. The grounds raised by the review petitioner in this review petition cannot be permitted to be raised in review petition. Even otherwise, there is no error apparent on the face of record in the order under review warranting invocation of review jurisdiction.

11. Accordingly, the review petition is **dismissed**.

12. No order as to cost(s).

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha