



2026:CGHC:9163

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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 54 of 2026

1 - Divisional Manager The New India Insurance (Correct Name Assurance) Company Limited, Near Phapadi Chowk, Tahsil And District - Raipur Chhattisgarh (Respondent No. 2, Insurer)

... **Petitioner(s)**

versus

1 - Maansingh Dhruv S/o Madan Lal Ghruv Aged About 29 Years R/o Village - Choukbeda, Tahsil And District - Mahasamund Chhattisgarh (Appellant)

2 - Jitendra Singh S/o Sohan Singh Saini Aged About 29 Years R/o Lig-630, Veer Sawarker Nagar, Raipur, Tahsil And District - Raipur Chhattisgarh (Respondent No. 1, Driver And Owner)

... **Respondent(s)**

For Petitioner(s) : Mr. Pankaj Agrawal, and Ms. Preeti Yadav,
Advocate.

For Respondent No.1 : Mr. Kunal Das, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

Order on Board

20/02/2026

1. Heard on I.A. No. 01/2025, application for condonation of delay in filing the petition.

2. On due consideration and for the reasons mentioned in the application, the same is allowed.
3. This review application under Order 47 Rule 1 of Code of Civil Procedure, 1908 (for short 'CPC') has been filed seeking review of the order dated 12.09.2025 passed in MAC No. 404/2021.
4. Learned counsel for the petitioner/applicant submits that an award dated 03.02.2021 in Claim Case No. 10/2019 was passed by the Motor Accident Claims Tribunal, District Dhamtari (C.G.), whereby compensation of Rs. 16,32,185/- was awarded in favour of the respondent on account of injuries sustained by him in an accident that took place on 08.04.2018 due to the rash and negligent driving of the offending vehicle (Truck) bearing registration No. CG-04-J-0753, driven and owned by Respondent No. 2. Against the said award, Respondent No. 1 filed an appeal under Section 173 of the Motor Vehicles Act, 1988 (for short, "the M.V. Act"), which was registered as MAC No. 404/2021. It is further submitted that the petitioner/applicant has also filed MAC No. 249/2021 against the same award, in which an interim stay was granted on 09.10.2025. He further submits that while allowing MAC No. 404/2021, the factum of pendency of MAC No. 249/2021 could not be brought to the notice of this Court. Consequently, this Court, vide order dated 12.09.2025 passed in MAC No. 404/2021, enhanced the compensation from Rs. 16,23,185/- to Rs. 26,55,385/- and directed the petitioner/applicant to pay the enhanced amount of Rs. 10,32,200/-. When the process for payment of the enhanced amount was undertaken by the petitioner/applicant, it transpired that an interim order had already been passed in his favour in the other appeal. Therefore, it is prayed that the order dated 12.09.2025 passed in MAC No. 404/2021 be recalled and both the appeals be heard together.

5. Learned counsel appearing for Respondent No. 1 submits that he was not aware of the pendency of any other appeal. It is well settled that for grant of review, there must be an error apparent on the face of the record. While deciding the appeal, the petitioner/applicant and Respondent No. 1 were present and failed to bring to the notice of this Court the pendency of any other appeal. Even otherwise, if the petitioner/applicant succeeds in the other appeal, he may claim a pay and recover order from this Court in that appeal.
6. Taking into consideration the submission made by learned counsel for the parties and after perusal of the order impugned, this Court does not find any error apparent on the face of the record while passing the order dated 12.09.2025 in MAC No. 404/2021.
7. Consequently, the review petition is **dismissed**.

Sd/-

(Sachin Singh Rajput)
Judge

Alok