2026:CGHC:8747

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HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 32 of 2026

{Arising out of order dated 21-8-2025 passed in MAC No.1153/2022}

United India Insurance Company Limited, Through its Divisional Manager, Divisional Office 1st Floor, Tara Complex, Near Bus Stand, Power House Bhilai, Tahsil & Distt. Durg (C.G.)

(Appellant)

... Petitioner

versus

1. Chitrarekha Sahu, Wd/o Late Jagganath Sahu, aged about 32 years, (Applicant No.1)

2. Bhupendra Sahu, S/o Late Jagganath, aged about 11 years, (Applicant No.2)

3. Bipendra Sahu, S/o Late Jagganath, aged about 6 years, (Applicant No.3)

Respondent No.2 & 3 are Minor through their mother-Chitrarekha Sahu (Respondent No. 1)

Respondent No.1 to 3 all are R/o Laxmi Nagar, Risali, Bhilai, Tah. & Distt. Durg (C.G.)

4. S. Ganesh, S/o S. Suryanarayan, aged about 56 years, R/o Vill. Gautam Nagar, P.R. Peta, Jaipur, Distt. Koraput (Odisha) (Non-Applicant No.1)

5. Manager, OSRTC (Odisha Road Transport Corporation), Address-Managing Director, OSRTC, Bhuvneshwar, Khurda (Odisha) (Owner) (Non-Applicant No.2)

... Respondents

Single Bench:-
Hon'ble Shri Justice Sanjay K. Agrawal

Order (In Chamber)

18/02/2026

1. This review petition is filed for modification/correction/recall of order dated 21-8-2025 passed by this Court in MA(C)No.1153/2022 and it has been taken-up for consideration in Chamber in view of Rule 90(2) of the High Court of Chhattisgarh Rules, 2007 (for short, 'the Rules of 2007').

2. I have gone through the review petition and the annexed documents.

3. The present review petition has been filed by the Insurance Company on the ground that in the MAC, the question of permit was involved and the question of driving license was not involved, therefore, there is error apparent on the face of record.

4. However, a careful perusal of the record, particularly, the impugned award would show that in the award it has been held in paragraph 19 that the Insurance Company has failed to lead evidence that the driver did not have valid and effective driving license to drive the offending vehicle and as such, the Insurance Company could not prove the breach of terms of the Insurance Policy.

5. Furthermore, in the impugned award, the Motor Accident Claims Tribunal has framed issue No.3 and answered the issue in negative holding that the Insurance Company has failed to prove that the driver did not have valid and effective driving license to drive the offending vehicle. Issue No.3 and its finding are as under: -

क्र.	वादप्रश्न	निष्कर्ष

3.	क्या प्रश्नाधीन दुर्घटना की अवधि में अनावेदक क्रमांक 01 के पास वैध एवं प्रभावी वाहन चालन अनुज्ञप्ति थी ?	''लाइसेंस नहीं होना प्रमाणित नहीं''

6. Thus, the plea of driving license was raised at the time of argument and decided by the Motor Accident Claims Tribunal. Even a careful perusal of the order under review would show that the plea of driving license was raised and it was decided by this Court in the order under review, as the order was passed in the open court. As such, the point raised was expressly decided by this Court. Therefore, there is no error apparent on the face of record and the present review petition deserves to be dismissed.

7. In that view of the matter, after going through the record of the review petition and the documents annexed therewith and also the order under review, I do not find any error apparent on the face of record warranting review of order dated 21-8-2025 passed by this Court in MA(C) No.1153/2022. Accordingly, the review petition is dismissed in limine in terms of Rule 90(2) of the Rules of 2007 finding no sufficient cause for review of the order under review. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

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