

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Review Petition No. 16/2023

in

S.B. Civil Miscellaneous Appeal No.348/2017

1. Kumari Priti D/o Late Shri Mukesh., Aged About 21 Years, R/o Jol, At Present R/o Jajekala, Police Station Shahpura, District Jaipur (Raj.)
2. Vishnu Kumar Son Of Late Shri Mukesh, Aged About 18 Years, Minor Through Their Natural Guardian Elder Sister Kum. Priti D/o Late Shri Mukesh R/o Jol, At Present R/o Jajekala, Police Station Shahpura, District Jaipur (Raj.)
3. Sandeep Kumar Son Of Late Shri Mukesh, Aged About 17 Years, Minor Through Their Natural Guardian Elder Sister Kum. Priti D/o Late Shri Mukesh R/o Jol, At Present R/o Jajekala, Police Station Shahpura, District Jaipur (Raj.)
4. Kumari Bhavna D/o Late Shri Mukesh, Aged About 16 Years, Minor Through Their Natural Guardian Elder Sister Kum. Priti D/o Late Shri Mukesh R/o Jol, At Present R/o Jajekala, Police Station Shahpura, District Jaipur (Raj.)

-----Petitioners

Versus

1. Bhanwar Lal Son Of Shri Gopilal, - R/o Ata, Police Station Karauli Sadar, District Karauli (Raj.)
2. Anil Kumar Goyal Son Os Shri Ramesh Chand Goyal, R/o Infront Of Victor School, Chhapeti Para, Police Station Badi, District Dholpur (Raj.)
3. Lajjaram Son Of Shri Bharosi Lalf, R/o Village Gurda, Tehsil Karauli, District Karauli (Raj.)
4. United India Insurance Company Ltd., Through Its Regional Manager, Regional Office, Transport Nagar, Jaipur.

-----Respondents

For Petitioner(s)	:	Pt. Shri Ram Joshi
For Respondent(s)	:	Mr. Sunil Kumar Chechi Mr. Lakshya Gopaliya

JUSTICE ANOOP KUMAR DHAND**Order****29/04/2026**

1. The instant review petition has been submitted for recall of the order dated 18.08.2022, passed by this Court while deciding the S.B. Civil Miscellaneous Appeal No.348/2017.
2. Learned counsel for the applicant-appellant submits that in the aforesaid appeal submitted by the claimant-appellants, two points were raised-one was pertaining to the illegal exoneration of the insurance company from its liability and the second was with regard to the quantum of compensation awarded, particularly for enhancement of the same.
3. Learned counsel further submits that while deciding the instant appeal submitted by the claimant-appellants, only one issue with regard to exoneration of the insurance company was decided, but the other issue with regard to enhancement of compensation was not decided. Hence, the order dated 18.08.2022 be recalled and S.B. Civil Miscellaneous Appeal No.348/2017 be restored to its original number.
4. *Per contra* learned counsel appearing on behalf of the respondents opposes the prayer, but they are not in a position to controvert the submissions made by the counsel for the appellant.
5. Heard and considered the submissions made at the Bar and perused the material available on record.
6. Considering the arguments put forward by the learned counsel for the applicant-appellant and looking to the fact that only one issue with regard to exoneration of the insurance company has been decided by this Court while passing the order

dated 18.08.2022, and the other issue with regard to enhancement of compensation has not been decided, hence, the order dated 18.08.2022 is liable to be recalled and is hereby recalled.

7. Review petition stands allowed, S.B. Civil Miscellaneous Appeal No.348/2017 is restored to its original number.

(ANOOP KUMAR DHAND),J

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