

**Civil Review No. 42 of 2007 alongwith
Civil Rev. Nos.39, 40, 41 and 43 of
2007**

28.11.2008 Present: Mr. Ashwani Sharma, counsel for the appellant-Insurance Company.
Mr. Baldev Singh, counsel for the review petitioners-Electricity Board.
Mr. Kosh Sharma vice Mr. B.C.Negi and Mr. Bimal Gupta
for the respondents-claimants.

**CMP(M) No. 580 of 2007 in Civil Rev. No. 42 of 2007
CMP(M) No. 577 of 2007 in Civil Rev. No. 39 of 2007
CMP(M) No. 578 of 2007 in Civil Rev. No. 40 of 2007
CMP(M) No. 579 of 2007 in Civil Rev. No. 41 of 2007
CMP(M) No. 581 of 2007 in Civil Rev. No. 43 of 2007**

All these Review Petitions are delayed by a period of one year five months and twenty-nine days. This Court vide judgement dated 5th December, 2005 partially allowed the appeals of the Insurance-Company and held Insurance Company not liable to pay the amount of compensation on the ground that the driver of the vehicle did not have a valid license. This was an issue which was being contested both before the Motor Accident Claims Tribunal and this Court and no effort had been made by the Review Petitioner-Electricity Board to produce the driving license of the driver. According to the Review Petitioner, it came to know somewhere in November 2006 that the driver had a valid driving license issued to him by the Registering and Licensing Authority, Shimla, which was renewed by the Registering and Licensing Authority, Kaza. Perusal of these letters Annexure RP-1 to Annexure RP-3 shows that these letters have been sent in response to the letter of Electricity Board dated 18.11.2006.

There is no explanation as to what the Review Petitioner was doing from 5.12.2005 when the judgement was announced till 18.11.2006. Even after the information was received in the month of November, 2006 the Review Petitioners made an attempt to get the information from Kaza only in March. There is no explanation as to why no attempt was made to collect

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the information earlier. Even after all the information was received by April, 2007 the Board was highly negligent and the review petitions were filed more than four months later in August, 2007. There is no plausible reason given for condoning this delay also.

There is no merit in the applications which are accordingly dismissed. In view of the dismissal of the applications for condonation of delay the review petitions are rejected as being time barred.

November 28, 2008
TM

(Deepak Gupta), J.