

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Review Petition No.120 of 2022**

- The Oriental Insurance Co. Ltd., Divisional Manager, Division Office, Near Dr. Rajendra Park, Parmanand Building, Durg, District : Durg, Chhattisgarh.

---- Petitioner**Versus**

1. Bahur Singh Patel, S/o Bartiyaral Aged About 55 Years, R/o Village Mujgahan, P.S. And Tahsil Balod, District Balod, Chhattisgarh,
2. Smt. Tulsa Bai, W/o Bahur Singh, Aged About 50 Years R/o Village Mujgahan P.S. And Tahsil Balod, District Balod (Chhattisgarh),
3. Sohan Patel, S/o Bahur Singh Patel, Aged About 30 Years R/o Village Mujgahan P.S. And Tahsil Balod, District Balod (Chhattisgarh),
4. Tilakram Patel, S/o Bahur Singh Patel, Aged About 30 Years R/o Village Mujgahan P.S. And Tahsil Balod, District Balod (Chhattisgarh)
5. Onkar @ Raju S/o Daljit Singh Aged About 39 Years, R/o Prasad Road Peta Orissa, P.S. Jamkar, District Korapur Orissa C/o Mahindra Travels Pandri , Raipur, District Raipur, Chhattisgarh.
6. Amarjit Singh, S/o S.S. Singh, R/o Mahindra Travels Pandri Raipur, District : Raipur, Chhattisgarh.

---- Respondents

For Petitioner

: Shri Hanuman Prasad Agrawal, Adv.

For Respondent No.1 to 4

:Shri Shikhar Bakhtiyar, Advocate on
behalf of Shri B.P. Singh, Advocate.**Hon'ble Shri Justice Arvind Singh Chandel****Order on Board****30/11/2022**

Heard.

1. This petition has been filed by the petitioner for review/modification of the order dated 05.05.2022 passed in MA(C) No.702/2015 by this Court.
2. Facts of the case is that due to death of one Mukesh Patel in a road accident on 08.03.2014, the claim application U/s 166 of Motor Vehicle Act has been filed by the parents and brothers of the deceased for claiming compensation. On the basis of the said, the Claim Case No.48/2014 was registered and the award was passed by the Claim Tribunal on 23.12.2014 and the amount of Rs.18,90,000/- was awarded in favour of the claimants. Thereafter, the claimants had filed an appeal for enhancement of the compensation amount before this Court which was registered as MA(C) No.702/2015 and after hearing the case finally, this Court had passed the impugned order dated 05.05.2022 and disposed off the appeal. In the said impugned order the award was enhanced and total compensation amount of Rs. 39,60,500/- was awarded.
3. Learned Counsel appearing for the petitioner/insurance company submits that though this Court has calculated the awarded amount of compensation on the basis of the gross salary of the deceased but no income tax has been deducted on it. The learned Claim Tribunal while passing its award had deducted the income tax which reflects in paragraph 10 of the award dated 23.12.2014. Hence, deduction of income tax would have also been applied at the time of passing the order of this Court. Therefore, it is prayed that the order dated 05.05.2022 may be reviewed/modified accordingly.

4. Learned Counsel appearing for respondent Nos.1 to 4 opposes the arguments advanced by Counsel for the appellant.
5. I have heard learned Counsel appearing for the parties and perused the impugned order passed by this Court.
6. Undisputedly, impugned order dated 05.05.2022 was passed on Board. At the time of passing of the said order, no submission regarding deduction of income tax was made by learned Counsel for the petitioner/ insurance company. The order passed by this Court is a well-reasoned order and the submissions made by learned Counsel for the parties were duly considered at the time of passing of this order. Therefore, I do not find any error apparent on the face of the record. Thus, this review petition is not maintainable.
7. Accordingly, the petition is dismissed.

Sd/-
(Arvind Singh Chandel)
Judge