

**IN THE HIGH COURT OF KARNATAKA AT
BANGALORE**

DATED THIS THE 7TH DAY OF APRIL 2004

PRESENT

THE HON'BLE MR.JUSTICE B. PADMARAJ

AND

THE HON'BLE MR.JUSTICE S. ABDUL NAZEER

REVIEW PETITION No.330/2003

IN

MISCELLANEOUS FIRST APPEAL No.3000/2003

BETWEEN:

The Oriental Insurance Co. Ltd.,
Branch Office, Ashok Nagar, Nipani,
Represented by its Divisional Manager,
Shanhbag Chambers, Kirloskar Road,
Belgaum. ... PETITIONER.

(By Sri N.S. Sanjay Gowda & Sri Ravishankar,
Advocates)

AND:

1. Shri Dundappa Maruti Gurav,
Aged about 56 years,
Occ: Agriculturist,
Residing at Solapur, Hukeri Taluk.
2. Smt. Sushila Dundappa Gurav,
Aged about 49 years,
Occ: Household work,
Residing at Solapur, Hukeri Taluk.
3. Shri Shrikant Dundappa Gurav,
Aged about 26 years,
Occ: Agriculturist,
Residing at Solapur,
Hukeri Taluk.
4. Sri Dattatray Hanamant Wajantri,
Major, Occ: Truck Driver,
Residing at Solapur, Hukeri Taluk.
5. Shri Subhash Hanamant Wajantri,
Major, Occ: Business,
Residing at Solapur, Hukeri Taluk.

.... RESPONDENTS.

This Review Petition is filed under Order 47 Rule 1 of CPC praying for review of the Judgment and Decree dated 12.5.2003 passed in MFA No.3000/2003 on the file of this Court.

This Review Petition coming on for admission this day, the Court made the following.

ORDER

Heard the arguments of the learned counsel for the petitioner on the Review Petition and carefully perused the relevant case papers including the order under Review.

2. In this case, the appeal filed by the appellant/insurer was dismissed not only on the ground that the insurer cannot maintain the appeal on quantum, but also on the ground that the quantum of compensation awarded by the Tribunal appears to be just and proper and at any rate it is not excessive so as to call for interference in the appeal. This is very clear from the following observations made by us in the order under Review which reads as under:



“Even otherwise, we do not find that the quantum of compensation awarded by the Claims Tribunal is so excessive as to warrant interference in the appeal by this Court.”

3. It is thus clear from the above observations that the appeal filed by the appellant/insurer was found to be devoid of merits and hence not entertained. Therefore we find no good ground to entertain the Review Petition. It is only an attempt to re-argue the matter which is not permissible in law. This Court has even otherwise considered the question with regard to the quantum of compensation awarded and found that the amount is not so excessive as to call for interference in the appeal. This is certainly not an error apparent on the face of the record. Furthermore it is not in dispute that when the matter was being heard, the order passed by the Tribunal allowing the application filed by the petitioner under



section-170 of the Motor Vehicles Act, was not made available by the appellant/insurer nor any such contention was taken or urged on behalf of the appellant that there was such an order passed by the Tribunal. Therefore on the facts and in the circumstances of the case, we find no good ground to entertain this Review Petition filed by the petitioner/insurer. **Hence the Review Petition stands dismissed.**

Sd/-
Judge

Sd/-
Judge

Gss/-