
(1998) 05 AHC CK 0002
In the Allahabad High Court
Case No : C.M.W.P. No. 1578 of 1988

New India Assurance Co. Ltd.

APPELLANT

Vs

Bimla Devi and Others

RESPONDENT

Date of Decision : 12-05-1998

Acts Referred:

Citation : (1999) ACJ 613

Hon'ble Judges : P.K. Jain, J;B.K. Roy, J

Bench : Division Bench

Advocate : Rajesh Verma, for the Appellant; R.K. Jain, R. Saxena and R.B.D. Mishra, for the Respondent

Judgement

B.K. Roy and P.K. Jain, JJ.—The petitioner assails validity of the order dated 13.11.1987 passed in Misc. Case No. 64 of 1984 by the Additional District Judge, Dehradun, as contained in Annexure III. Perusal of the impugned order shows that a review was sought for by the petitioner of the order passed by the Motor Accidents Claims Tribunal under the Motor Vehicles Act. The maintainability of the review application filed by the writ-petitioner was also challenged by the claimant as not maintainable but the prayer was rejected on the ground that it is without any merit.

2. We wanted to know from Mr. Rajesh Verma, the learned Counsel appearing on behalf of the petitioner as to whether the Motor Vehicles Act or the Rules framed thereunder contain any provision for review to which he answered that neither the Act nor the Rules framed under the Act contain such a provision.

3. It is a settled law that appeal/revision or review are the creation of statute. No litigant has got an inherent right to prefer appeal/revision or review. In Harbhajan Singh Vs. Karam Singh and Others, , the Apex Court has clearly laid down that in the absence of any power review is impermissible. This decision has been followed by the Full Bench of our own court in Shivragi v. D.D.C. 1997 RD 562. Since review prayed for by the writ-petitioner was impermissible before the

lower authority we dismiss this writ petition.

4. It goes without saying that dismissal of this writ petition for the reason aforementioned shall not stand in the way of disposal of the F.A.F.O. No. 6 of 1998 (defective) preferred by the petitioner against the order sought to be reviewed in accordance with law. Petition dismissed.