

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Misc. Appeal No. 334/2023

Lalsingh S/o Chattursingh, Aged About 39 Years, B/c Rajput, R/o
Village Damodara, Tehsil And Dist. Jaisalmer.

----Appellant

Versus

1. Chotodevi W/o Late Shri Indraram, Aged About 49 Years,
B/c Bheel And R/o 72, Sumarram Ki Dhani, Moolsagar,
Tehsil And Dist. Jaisalmer.
2. Buramram S/o Late Shri Indraram, B/c Bheel And R/o 72,
Sumarram Ki Dhani, Moolsagar, Tehsil And Dist. Jaisalmer.
3. Su. Heena D/o Late Shri Indraram, Aged About 16 Years,
Minor Represented By Their Legal Guardian And Their
Mother Respondent No. 1 Smt. Chotodevi. B/c Bheel And
R/o 72, Sumarram Ki Dhani, Moolsagar, Tehsil And Dist.
Jaisalmer.

----Respondents

For Appellant(s)	:	Mr. Avinash Acharya
For Respondent(s)	:	

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

28/03/2026

1. Learned counsel for the appellant submits that, while adjudicating the claim petition, the learned Tribunal failed to consider that the deceased was neither in possession of a valid and effective driving license nor wearing a helmet at the time of accident. It is further contended that the petitioner has already been exonerated in the criminal proceedings, as negligence on his part was not established.
2. The matter requires consideration.
3. Issue notice to respondent(s), returnable within six weeks.

4. Learned trial court is directed to send the record after disbursal of the claim amount to the respondent(s).
5. Meanwhile, effect and operation of the impugned judgment and award dated 21.09.2022 passed by the learned Judge, Motor Accident Claims Tribunal (Family Court, Jaisalmer), Jaisalmer in Motor Accident Claim Petition No.49/2017, shall remain stayed qua the appellant subject to the condition that the appellant - Insurance Company deposits 50% of the amount (with interest) awarded by the Tribunal vide award dated 21.09.2022 within a period of eight weeks. The amount so deposited shall be disbursed to the claimants by the Tribunal in accordance with law. The amount previously deposited, if any, shall be adjusted.
6. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent claimants shall be free to proceed with the execution of the impugned award.
7. In case, the appeal is decided against the claimants, the amount so deposited by the insurance company shall be returned by the claimants to the appellant-insurance company along with interest.
8. List after eight weeks.

(MUKESH RAJPUROHIT),J