

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

S.B. Civil Misc. Appeal No. 893/2024

Cholamandalam Ms General Insurance Co. Ltd., Jodhpur Office
Kp Tower Chopasani Road Jodhpur Through Its Authorized
Representative

-----Appellant

Versus

1. Smt. Ranu Kanwar W/o Late Sh Bhagwan Singh Rajput,
R/o Village Ninora Tehsil Malhargarh Dist Mandsarur Mp
2. Mst Anaya Kunwar D/o Late Sh Bhagwan Singh Rajput,
Minor Through Her Natural Guardian Mother Smt Ranu
Kanwar R/o Village Ninora Tehsil Malhargarh Dist
Mandsarur Mp
3. Rajendra Singh S/o Ratan Singh Rajput, R/o Village
Ninora Tehsil Malhargarh Dist Mandsarur Mp
4. Smt Ghanshyam Kunwar W/o Sh Rajednra Singh Rajput,
R/o Village Ninora Tehsil Malhargarh Dist Mandsarur Mp
5. Gopal S/o Jagdish Daroga, (Driver) R./o Village Kadiyavad
Ps Ranthanjaan Dist Pratapgarh
6. Vijay Singh S/o Prakash Singh Daroga, (Owner) R./o
Village Kadiyavad Ps Ranthanjaan Dist Pratapgarh

-----Respondents

For Appellant(s)	:	Mr. Jagdish Chandra Vyas
For Respondent(s)	:	Mr. Ravi Panwar for claimants 1 to 4

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

30/05/2024

Learned counsel for the appellant-Insurance Company
submits that the involvement of the vehicle in question in the
present case is under a shadow of doubt.

2. The matter requires consideration.
3. Admit.

4. Issue notice to the respondents No. 5 & 6 returnable on 16.07.2024.
5. No need to issue notice to respondents No.1 to 4 as learned counsel Mr. Ravi Panwar is already appearing.
6. Heard on stay application.
7. Having regard to the facts and circumstances of the case, it is considered appropriate and hence ordered that in the meanwhile if the appellant deposits 60% of the award amount, along with the interest as mentioned in the impugned award before the Tribunal within a period of one month, the recovery of the remaining amount under the impugned award dated 03.11.2023 shall remain stayed.
8. The deposited amount may be disbursed to the claimants in the manner and proportion as contemplated in the impugned award with the undertaking that if the appellant in the present appeal succeeds, he/she/they shall refund the same alongwith interest in accordance with law.
9. It is made clear that the amount previously deposited by the appellant, if any, shall be adjusted towards the said amount.
10. Stay petition is disposed of accordingly.

(MADAN GOPAL VYAS),J