

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

S.B. Civil Misc. Appeal No. 504/2026

The Oriental Insurance Company Limited, Through Divisional Manager Shree Krishna Plaza, 100 Feet Road, Shobhagpura, Udaipur, Through Competent Authority Dy. Manager And Head Of Legal Hub Vijay Vyas S/o Shri A.I. Vyas Aged 57 Years Divisional Office Jodhpur Insurance Company For Truck No. Rj-22-Gb-3414 (Non-Claimant/ Insurance Company)

----Appellant

Versus

1. Smt. Suman Devi W/o Partham Singh, Tar Toli, Tehsil- Abu Road, District- Sirohi Claimant
2. Amit Choudhary S/o Pratham Singh, Tar Toli, Tehsil- Abu Road, District- Sirohi Claimant Minor Through Natural Guardian Mother Smt. Suman Devi W/o Partham Singh
3. Vivek Choudhary S/o Partham Singh, Tar Toli, Tehsil- Abu Road, District- Sirohi Claimant Minor Through Natural Guardian Mother Smt. Suman Devi W/o Partham Singh
4. Kirti D/o Partham Singh, Tar Toli, Tehsil- Abu Road, District- Sirohi Claimant Minor Through Natural Guardian Mother Smt. Suman Devi W/o Partham Singh
5. Smt Basanti Devi W/o Deepti Singh, Tar Toli, Tehsil- Abu Road, District- Sirohi Claimant
6. Jabbu Khan S/o Hussian Khan, Chaliyo Ka Mohala, Village- Bhagu, District- Jaisalmer Driver Of Truck No. Rj-22-Gb-3414
7. Janvi Road Line, Through Proprietor Abishek Maderna S/o Binja Ram R/o Vikas Colony, Highway Road By Pass Sumerpur, District- Pali Owner Of Truck No. Rj-22-Gb-3414

----Respondents

For Appellant(s)	:	Mr. Dinesh Kumar Joshi
For Respondent(s)	:	

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/03/2026

1. It is contended by learned counsel for the appellant- Insurance Company that the impugned award has been assailed on the ground that there was an inordinate delay of 37 days in lodging the FIR.
2. The matter requires consideration.

3. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.
4. Meanwhile, effect and operation of the impugned judgment and award dated 18.08.2025 passed by the learned Judge, Motor Accident Claims, Tribunal ABU Raod, District Sirohi in Motor Accident Claim Case No.37/2023 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 18.08.2025 within a period of eight weeks.
5. The deposited amount may be disbursed to the respondents-claimants in the manner and proportion as contemplated in the impugned judgment and award with the undertaking that if the appellant-insurance company succeeds, they shall refund the same along with interest in accordance with law.
6. It is made clear that the amount, if any, previously deposited by the appellant-insurance company, shall be adjusted towards the said amount.
7. Learned trial Court is directed to send the record after disbursement of the claim amount to the respondent(s).
8. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent-claimant(s) shall be free to proceed with the execution of the impugned award.

(MUKESH RAJPUROHIT),J