

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

S.B. Civil Misc. Appeal No. 963/2026

United India Insurance Company Limited, Head Branch 24,
Whites Road, Chennai 600014 Through Divisional Office Udaipur.

----Appellant

Versus

1. Chetan S/o Prakash Chandra, Aged About 19 Years, R/o Khemli, Policestation Dabok, District Udaipur Raj (claimant).
2. Kailashchand S/o Mangilal, R/o Modi, Police Stationkheroda, District Udaipur Rajasthan (Driver Of Dumper No.RJ-27 GD-0442)
3. Prem Singh S/o Pawan Singh, R/o House No. 101 Talab Magri, Sakroda, Tehsil Girwa District Udaipur Rajasthan (Owner Of Dumper No.RJ-27 GD-0442)

----Respondents

For Appellant(s) : Mr. Mahesh Joshi

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/03/2026

1. It is contended by learned counsel for the appellant-insurance company that the FIR was filed after an unexplained delay of almost 65 days. It is further submitted that the appellant-insurance company has been falsely implicated by planting the insured vehicle only with a view to bring the claim within the ambit of insurance policy and to unjustly secure the compensation. He argued that the involvement of the insured vehicle is doubtful, as there is a material discrepancy regarding its colour of the vehicle as the colour stated by the claimant during examination does not match the colour recorded in the seizure memo.

2. The matter requires consideration.
3. Admit. 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 21.11.2025 passed by the learned Judge, Motor Accident Claims, Tribunal Mavli, District Udaipur in Motor Accident Claim Case No.46/2022 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 21.11.2025 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.
9. List this matter after eight weeks.

(MUKESH RAJPUROHIT),J