

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

S.B. Civil Misc. Appeal No. 1050/2026

The New India Assurance Company Ltd., T.P. Suit Hub, Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur Through Its Authorized Representative.

----Appellant

Versus

1. Smt. Sumitra Devi Spouse/o Late Bhagwan Ram,
2. Rajesh Nayak S/o Late Bhagwan Ram (minor)
3. Anurag Nayak S/o Late Bhagwan Ram (minor),
Minor Through Their Natural Guardian Mother Smt. Sumitra,
4. Gulab Devi Spouse/o Shri Banshilal,
All are R/o Village Khanpur, Tehsil Parbatsar, District Didwana- Kuchaman.
5. Laxman Ram S/o Mada Ram, Village Kumpdas, Tehsil Merta City, District Nagaur. (Driver)
6. Shiv Prasad S/o Shri Babulal, Village Jalsu Nanak, Tehsil Degana, District Nagaur. (Owner)

----Respondents

For Appellant(s) : Mr. Jagdish Vyas

For Respondent(s) : Mr. Bharat Shrimali

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/02/2026

1. By way of the present appeal, the appellant has challenged the impugned award on the grounds of quantum of compensation and breach of policy conditions.
2. The matter requires consideration.
3. Admit. Issue notice.

4. Learned counsel – Mr. Bharat Shrimali appears and accepts notice on behalf of respondent Nos.1 to 4.
5. At the oral request of learned counsel for appellant, service of notice upon respondent No.5 is dispensed with at the risk and cost of the appellant.
6. Let notice be issued to respondent No.6 only, returnable within a period of six weeks.
7. List after eight weeks.
8. Meanwhile, effect and operation of the impugned judgment and award dated 14.11.2025 passed by the learned Judge, Motor Accident Claims Tribunal (Additional District Judge No.1), Parbatsar, District Didwana-Kuchaman in MAC Case No.87/2020 (CIS No.MACT-Main/87/2020), shall remain stayed subject to the condition that the appellant - Insurance Company deposits 70 % of the amount (with interest) awarded by the Tribunal within a period of eight weeks.
9. Upon deposit, the amount so deposited shall be disbursed to the claimants-respondents by the Tribunal in accordance with law.
10. 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.

(MUKESH RAJPUROHIT),J