

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

S.B. Civil Miscellaneous Appeal No. 793/2025

Icici Lombard General Insurance Co. Ltd., Through The Divisional Office, Pwd Colony, Near Sps School, Near Bheruji Choraha, Jodhpur, Raj.

----Appellant

Versus

1. Smt. Kamla Kanwar W/o Late Shri Bakhtawar Singh, Aged About 51 Years, R/o House No. 14/107, Chopasani Housing Board, Jodhpur
2. Jitendra Singh S/o Late Shri Bakhtawar Singh, Aged About 27 Years, R/o House No. 14/107, Chopasani Housing Board, Jodhpur
3. Nitu Rathore D/o Late Shri Bakhtawar Singh, Aged About 31 Years, R/o House No. 14/107, Chopasani Housing Board, Jodhpur
4. Mayur Solanki S/o Shri Gajendra Singh, R/o Gehloto Ka Bass, Maahmandir, Jodhpur, Raj. (Driver Of Socooty No. Rj -19-Bj-8643)
5. Vishal Solanki S/o Rajendra Solanki, R/o Gehloto Ka Bas, Mahamandir, Jodhpur,raj. (Registered Owner Of Socooty No. Rj -19-Bj-8643)
6. Kanhayalal S/o Shri Rikab Chand, R/o Mahajano Ka Bass, Borunda, Pipar City, Jodhpur (Registered Owner Of Socooty No. Rj -19-Bj-8643)
7. Smt. Parbat Kanwar W/o Late Kishor Singh, Aged About 77 Years, R/o House No. 14/107, Chopasni Housing Board, Jodhpur

----Respondents

For Appellant(s) : Mr. Mehul Kothari for Mr. Vinay Kothari.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

27/04/2026

1. Learned counsel for the appellant-Insurance Company submits that at the very outset, the version put forth by the claimants is wholly unreliable as the deceased's son-Jitendra Singh, lodged an FIR stating that his father had sustained injuries on account of slipping on the road and had subsequently died. However, during the course of investigation, the insured vehicle was implicated. It is further submitted that the learned Tribunal has not properly assessed the quantum of compensation, which has been determined on the higher side.

2. The matter requires consideration.
3. Issue notice. Issue notice of stay application also.
4. List after eight weeks.
5. Meanwhile, effect and operation of the impugned judgment and award dated 11.11.2024 passed by the learned Judge, Motor Accident Claims Tribunal, Jodhpur Metropolitan in Motor Accident Claim Case No.437/2021 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 11.11.2024 within a period of eight weeks.
6. 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.
7. It is made clear that the amount, if any, previously deposited by the appellant-insurance company, shall be adjusted towards the said amount.
8. Record of the case be sent back to the learned trial Court. Learned trial Court is directed to send the record after disbursement of the claim amount to the respondents.
9. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondents-claimant(s) shall be free to proceed with the execution of the impugned award.

(MUKESH RAJPUROHIT),J

