

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

S.B. Civil Misc. Appeal No. 1098/2026

HDFC ERGO General Insurance Company Ltd., Jodhpur Office At
N.K. Tower, Choupasni Road, Jodhpur Through Its Authorized
Representative.

-----Appellant

Versus

1. Smt. Pappu Devi W/o Late Shri Mohan Ram, R/o Hari Sagar Bera, Binjwadiya, Tehsil Tinwari, District Jodhpur. Claimant
2. Anju W/o Dhanna Ram, D/o Late Shri Mohan Ram, Resident Of Navoda Bera, Village Keru , Tehsil And District Jodhpur. Claimant
3. Sanju W/o Dilip Sankhla, D/o Late Shri Mohan Ram, Resident Of Nayapura, Chokha, Jodhpur. Claimant
4. Pooja Parihar D/o Late Shri Mohan Ram, R/o Hari Sagar Bera, Binjwadiya, Tehsil Tinwari, District Jodhpur. Claimant
5. Kamlesh S/o Late Shri Mohan Ram, R/o Hari Sagar Bera, Binjwadiya, Tehsil Tinwari, District Jodhpur. Claimant
6. Kuldeep S/o Late Shri Mohan Ram, R/o Hari Sagar Bera, Binjwadiya, Tehsil Tinwari, District Jodhpur. Claimant
7. Jaanu Devi W/o Late Shri Jamnarram, R/o Hari Sagar Bera, Binjwadiya, Tehsil Tinwari, District Jodhpur. Claimant
8. Jamnaram S/o Late Shri Bhagwan, R/o Hari Sagar Bera, Binjwadiya, Tehsil Tinwari, District Jodhpur. Claimant
9. Rewantram S/o Shri Ghewar Ram Sankhla, R/o Dudiya Bera, Binjwadiya, Tehsil Tinwari, District Jodhpur. Driver
10. Santokram Parihar S/o Shri Jamnaram, R/o Hari Sagar Bera, R/o Binjwadiya, Tehsil Tinwari, District Jodhpur. Owner

-----Respondents

For Appellant(s)	:	Mr. Jagdish Chandra Vyas
For Respondent(s)	:	-

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/03/2026

1. Learned counsel for the appellant-insurance company submitted that a challenge was given to the judgment and award passed by the learned Tribunal on the ground of false implication of the vehicle insured by the appellant-insurance company, but the learned Tribunal has not considered this aspect.
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 12.01.2026 passed by the learned Judge, Motor Accident Claims, Tribunal Jodhpur Metropolitan in Motor Accident Claim Case No.638/2022 (NCV No.638/2022), 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 12.01.2026 within a period of eight weeks.
5. The deposited amount may be disbursed to the respondent-claimant 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. 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 disbursal 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

25-Ramesh/-