

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

S.B. Civil Misc. Appeal No. 452/2009

1. Kumari Rashmi D/o Late Shri Gautam Surana, Aged About 3 Years,
2. Smt. Kamala W/o Shri Nemi Chand, Aged About 59 Years,
3. Nemi Chand S/o Shri Bakhtawar Mal, Aged About 62 Years,
Appellant No.1 minor through her natural guardian mother Smt. Kamala W/o Shri Nemi Chand,
All are R/o Dhara Ka Bas, Near Jain School, Mahamandir, Jodhpur.

----Appellant

Versus

1. Shri Prahlad Bhogate S/o Shri Mahadev Bhogate, R/o 8/1/A, Narkeldanga Main Road, Kolkata, West Bengal (Driver of Truck)
2. Shri Ramesh Singh Bakshi S/o Shri K. Singh Bakshi, R/o Kumar Road Lines, Chokara Nala, Raipur, Chhatisgarh (owner of Truck)
3. The New India Assurance Company Ltd. Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur. (Insurer of Truck)
4. Shri Murli Manohar Gehlot S/o Shri Vallabh Gehlot, R/o Shri Narayan Ji Ka Temple, Hati Ram Ka Odha, Jodhpur (Driver Indica Car)
5. Shri Mahavir Chand Jain S/o Shri Ratan Lal Jain, R/o Suraj Bhawan Behind Public Park, Near Rawat Hotel, Jodhpur (Owner Indica Car)
6. ICICI Lombard General Insurance Company Ltd. Registered Office at ICICI Bank Towers, Bandra Kurla, Complex, Bandra (East) Mumbai, Maharastra (Insurer Indica Car)

----Respondent

For Appellant(s)	:	Mr. S.K. Sankhla
For Respondent(s)	:	Mr. Jagdish Chandra Vyas for respondent No.6 Mr. Dron Kaushik for respondent No.5

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/03/2026

The instant appeal has been filed against the judgment and award dated 18.12.2008 passed by learned Judge, Motor Accident Claims Tribunal (First), Jodhpur in MAC Case No.329/2005,

whereby the learned Tribunal has awarded a sum of Rs.7,50,000/- in favour of the appellants.

Learned counsel for the parties submit that they have entered into a memorandum of understanding and the respondent No.6 – ICICI Lombard General Insurance Company Ltd. has agreed to pay a further enhanced sum of Rs.18,00,000/- towards full and final settlement of the claim made by the appellants.

Therefore, it is prayed that the present appeal may be disposed of in the light of the memo of understanding entered into between the parties.

In view of above, it is ordered that the above said enhanced amount of Rs.18,00,000/- shall be paid by the respondent No.6 – ICICI Lombard General Insurance Company Ltd. to the appellants within a period of two months from today. If the said amount is not paid by the insurance company within a period of two months, the insurance company shall pay interest @ 7% from today on the enhanced amount till the amount is actually paid to the appellants.

The appeal stands disposed of in above terms. The memorandum of understanding is taken on record.

Stay petition and all pending applications, if any, also stand disposed of.

(MUKESH RAJPUROHIT),J