

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil Misc. Appeal No. 670/2023

Bhagwati		----Appellant
	Versus	
Sanjay		----Respondent
	<u>Connected With</u>	
	S.B. Civil Misc. Appeal No. 630/2023	
Reliance General Insurance Co. Ltd.		----Appellant
	Versus	
Bhagwati		----Respondent

For Appellant(s)	:	Mr. Om Rajpurohit
For Respondent(s)	:	Mr. Vishal Singhal

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

25/02/2026

In S.B. Civil Misc. Appeal No. 630/2023:

The matter comes up on an application (I.A. No.01/2025) under Section 5 of the Limitation Act seeking condonation of delay in filing the instant appeal.

Heard learned counsel for the parties on application.

For the reasons stated in the application, the same is allowed. The delay of 103 days in filing the present appeal is hereby condoned.

With the consent of learned counsel for the parties, the appeal is taken up for hearing today itself.

Learned counsel for the appellant submits that the vehicle involved in the accident in question was being plied in violation of policy conditions as it was not having any valid and effective permit at the time of accident. It is contended that the learned

trial court erred in law while adjudicating the claim petition without considering the aforementioned aspect of the case.

The matter requires consideration.

Admit.

Learned counsel Mr. Om Rajpurohit accepts notices on behalf of respondent - claimants Nos.1 to 5.

Issue notice to respondent Nos. 5 & 6, returnable within six weeks.

Meanwhile, effect and operation of the impugned judgment and award dated 23.09.2022 passed by the Motor Accident Claims Tribunal, Bikaner in M.A.C. Case No.15/2015 (CIS No.15/2015), shall remain stayed qua the appellant subject to the condition that the appellant - Insurance Company deposits 75% of the amount (with interest) as awarded by the Tribunal within a period of eight weeks. The amount so deposited shall be disbursed to the claimants by the Tribunal in accordance with law.

Upon deposit, the amount shall be disbursed to the claimant-respondents in terms of the award.

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.

List after six weeks.

In S.B. Civil Misc. Appeal No. 670/2023:

List alongwith S.B. Civil Misc. Appeal No. 630/2023.

(MUKESH RAJPUROHIT),J