

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

S.B. Civil Misc. Appeal No. 1116/2024

Prabha Ram S/o Vagta Ram, Aged About 49 Years, R/o Sanchoe Road, Tehsil Raniwara, Dist. Jalore, At Present R/o Heerpura, Tehsil Raniwara, Dist. Jalore, Rajasthan. (Owner Of Vehicle No. Rj 16 1M 1159)

----Appellant

Versus

1. Rekha Devi W/o Late Shri Ghewar Chand, Aged About 30 Years, R/o Dabli, Gandhav Kala, Tehsil Gudamalani, Dist. Barmer, Rajasthan.
2. Jitendra S/o Late Shri Ghewar Chand, Aged About 18 Years, R/o Dabli, Gandhav Kala, Tehsil Gudamalani, Dist. Barmer, Rajasthan.
3. Pooja D/o Late Shri Ghewar Chand, Aged About 16 Years, Minor Through Guardian Mother Rekha Devi. R/o Dabli, Gandhav Kala, Tehsil Gudamalani, Dist. Barmer, Rajasthan.
4. Mukesh S/o Late Shri Ghewar Chand, Aged About 12 Years, Minor Through Guardian Mother Rekha Devi. R/o Dabli, Gandhav Kala, Tehsil Gudamalani, Dist. Barmer, Rajasthan.
5. Poonma Ram S/o Teja Ram, R/o Halivav, Tehsil Chitalwana, Dist. Jalore. (Driver Of Vehicle Rj 16 1M 1159)

----Respondents

For Appellant(s)	:	Mr. Prashant Panwar Mr. Murli Sain
For Respondent(s)	:	--

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

17/05/2024

Learned counsel appearing for the appellant submits that there was no negligence of driver in the accident. Therefore, it is submitted that the learned Tribunal has wrongly passed the

impugned order. Further, no eye witness of the incident was examined in this case. It is also submitted that the period of registration certificate of the offending vehicle had expired on the date of incident.

2. Matter requires consideration.
3. Admit.
4. Notices be issued to the respondents. Issue notice of stay application also, returnable on 19.07.2024.
5. Call for record.
6. Heard on stay application.
7. Having regard to the facts and circumstances of the case, it is considered appropriate and hence ordered that in the meanwhile if the appellant deposits 50% of the award amount, along with the interest as mentioned in the impugned award before the Tribunal within a period of one month, the recovery of the remaining amount under the impugned award dated 17.09.2021 shall remain stayed.
8. The deposited amount may be disbursed to the claimants in the manner and proportion as contemplated in the impugned award with the undertaking that if the appellant in the present appeal succeeds, he/she/they shall refund the same alongwith interest in accordance with law.
9. It is made clear that the amount previously deposited by the appellant, if any, shall be adjusted towards the said amount.

(MADAN GOPAL VYAS),J