

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

S.B. Civil Misc. Appeal No. 1184/2026

SBI General Insurance Company Ltd., Registered And Corporate Office Natraj 101, 201 And 301, Junction Of Western Express Highway And Andheri Kurla Road, Andheri (East), Mumbai. Jaipur Office At 2Nd Floor, Pavilion (Opp. SMS Stadium), Tonk Road, Bapu Nagar, Jaipur 302015.

----Appellant

Versus

1. Shri Shrawan Singh S/o Shri Vijay Singh Solanki, Daulatpura Kelwa, P.S. Kelwa, District Rajsamand (claimant).
2. Mitesh Lohar S/o Shri Gaharilal Lohar, 83, Hanuman Phala, Nela, Near Miraj Morning, Hiran Magri, Sector -14, Tehsil Girwa, District Udaipur. (Driver)
3. Gaharilal S/o Bhanwarlal Lohar, 83, Hanuman Phala, Nela, Near Miraj Morning, Hiran Magri, Sector -14, Tehsil Girwa, District Udaipur. (Owner)

----Respondents

For Appellant(s) : Mr. Jagdish Chandra Vyas

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/03/2026

1. Learned counsel for the appellant-insurance company submitted that in the award passed by the learned Tribunal, the quantum of income is in excessive side without any cogent evidence and lifetime attendant charges have been granted without any evidence. It is further contended that the learned Tribunal has awarded an amount under the head of pain and suffering which is not as per the settled principles of law.

2. Learned counsel has placed reliance upon the judgment rendered by the Hon'ble Supreme Court in the case of ***R. Logeshkumar Vs. P. Balasubramaniam & Anr.*** reported in ***2026 (1) R.A.R. 121 (SC)***.

3. The matter requires consideration.
4. Admit. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.
5. Meanwhile, effect and operation of the impugned judgment and award dated 19.01.2026 passed by the learned Judge, Motor Accident Claims, Tribunal Rajsamand in Motor Accident Claim Case No.263/2024 (C.I.S. No.263/2024), 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 19.01.2026 within a period of eight weeks.
6. 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.
7. The amount, if any, previously deposited by the appellant-insurance company, shall be adjusted towards the said amount.
8. Learned trial Court is directed to send the record after disbursement of the claim amount to the respondent(s).
9. 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.
10. List this matter after eight weeks.

(MUKESH RAJPUROHIT),J