

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

S.B. Civil Misc. Appeal No. 1261/2026

The New India Assurance Company Limited, Through The Divisional Manager, Near Municipal Corporation, Kirti Stambh, Bikaner. (Policy No. 36110031210100002895 From 19.10.2021 To 18.10.2022) (Insurance. Co. Of Truck No. Pb-04-R-9968)

----Appellant

Versus

1. Vijay Kumar Choudhary S/o Shri Ram Chaudhary, Aged About 61 Years, R/o B-38, Kanta Khaturia Colony, Bikaner. (Claimant)
2. Smt Pushpa Devi W/o Shri Vijay Kumar Chaudhary, Aged About 52 Years, R/o B-38, Kanta Khaturia Colony, Bikaner (Claimant)
3. Roshan Lal S/o Shri Ram Ji Das, R/o Near Dera Village Lamwali, Tehsil Jaito Mandi, Police Station Baja Khana, District Faridkot Punjab-151205 (Owner Of Truck No. Pb-04-R-9968)
4. Sewak Pal S/o Shri Ram Ji Das, R/o Near Dera Village Lamwali, Tehsil Jaito Mandi, Police Station Baja Khana, District Faridkot Punjab-151205 (Driver Of Truck No. Pb-04-R-9968)

----Respondents

For Appellant(s) : Mr. Aditya Singhi

For Respondent(s) : Mr. Aman Bishnoi.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/03/2026

1. Learned counsel for the appellant–Insurance Company submits that the impugned award has been challenged by the appellant on the ground that the quantum of income assessed by the learned Tribunal is on the higher side and is not supported by any cogent evidence.

2. The matter requires consideration.
3. Issue notice.
4. Mr. Aman Bishnoi, learned counsel has put in appearance on behalf of respondent Nos.1 & 2.
5. At the request, risk and cost of the appellant, the service upon the respondent nos.3 & 4 is dispensed with.
6. List after six weeks.
7. Meanwhile, effect and operation of the impugned judgment and award dated 09.12.2025 passed by the learned Judge, Motor Accident Claims Tribunal Bikaner, District Bikaner in Motor Accident Claim Case No.190/2022 shall remain stayed qua the appellant subject to the condition that the appellant-insurance company deposits Rs.75,00,000/- of the amount (with interest) awarded by the Tribunal vide award dated 09.12.2025 within a period of eight weeks.
8. The deposited amount may be disbursed to the respondents-claimants 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.
9. It is made clear that the amount, if any, previously deposited by the appellant-insurance company, shall be adjusted towards the said amount.
10. Learned trial Court is directed to send the record after disbursement of the claim amount to the respondent(s).
11. 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.

12. Connect with S.B. Civil Misc. Appeal No.1078/2026.

(MUKESH RAJPUROHIT),J

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