

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

S.B. Civil Misc. Appeal No. 1263/2026

United India Insurance Co. Ltd., Through Incharge, T. P. Claims
Hub, 74-A, Bhati N Plaza, Main Pal Road, Jodhpur. Insurer

----Appellant

Versus

1. Smt. Baby W/o Late Sh. Moolaram Sankhla, Aged About 55 Years, R/o 43, Bhaanu Nagar, New Nagour Road, Mandore, Jodhpur.
2. Pooran Sankhla D/o Late Sh Moolaram Sankhla, Aged About 28 Years, R/o 43, Bhaanu Nagar, New Nagour Road, Mandore, Jodhpur.
3. Lalit Sankhla, Aged About 27 Years, R/o 43, Bhaanu Nagar, New Nagour Road, Mandore, Jodhpur.
4. Teena D/o Late Sh Moolaram Sankhla, Aged About 25 Years, R/o 43, Bhaanu Nagar, New Nagour Road, Mandore, Jodhpur.
5. Annu D/o Late Sh Moolaram Sankhla, Aged About 30 Years, R/o 43, Bhaanu Nagar, New Nagour Road, Mandore, Jodhpur.
6. Raksha Sankhla D/o Late Sh Moolaram Sankhla, Aged About 17 Years, R/o 43, Bhaanu Nagar, New Nagour Road, Mandore, Jodhpur. Respondent No. 6 Is Minor Through Natural Guardian Mother Smt. Baby
7. Shravan Ram, R/o Budkiya, Tehsil-Bhopalgarh, Dist-Jodhpur. Driver
8. M/s Apsara Udhyog, Proprietor Rameshwar Pal Singh Parihar R/o Chandan Niwas Guru Rajaram Nagar, Bhadwasiya, P.s- Mata Ka Than, Jodhpur. Owner

----Respondents

For Appellant(s) : Mr. PK Ojha

For Respondent(s) : Mr. NSA Rajpurohit.

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. NSA Rajpurohit, learned counsel has put in appearance on behalf of respondent Nos.1 & 6.
5. At the request, risk and cost of the appellant, the service upon the respondent nos.7 & 8 is dispensed with.
6. List after six weeks.
7. Meanwhile, effect and operation of the impugned judgment and award dated 16.01.2026 passed by the learned Judge, Motor Accident Claims, Tribunal Jodhpur Metropolitan, District Jodhpur Metropolitan in Motor Accident Claim Case No.717/2022 shall remain stayed qua the appellant subject to the condition that the appellant-insurance company deposits 75% of the amount (with interest) awarded by the Tribunal vide award dated 16.01.2026 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.

(MUKESH RAJPUROHIT),J

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