

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

S.B. Civil Misc. Appeal No. 610/2021

United India Insurance Company Limited, T.p. Hub, 74A, Bhati-
N-Plaza, Pal Road, Jodhpur

----Appellant

Versus

1. Lrs Of Hajari Lal @ Hajari Ram, Behind Ghewa School,
Ramdev Colony, Soorsagar, jodhpur
2. Kuldeep S/o Hajari Lal @ Hajari Ram, Behind Ghewa
School, Ramdev Colony Soorsagar, Jodhpur
3. Tarun S/o Hajari Lal @ Hajari Ram, Behind Ghewa School,
Ramdev Colony Soorsagar, Jodhpur
4. Shaitan Singh S/o Narayan Singh Mali, Harijan Basti,
Shitla Mata Mandir, Kaga Road, Jodhpur
5. Prema Ram S/o Bhola Ram, Bhillon Ka Bass, Rajwa Lordi,
Jodhpur

----Respondents

For Appellant(s)	:	Mr. Jagdish Chandra Vyas
For Respondent(s)	:	

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

09/07/2021

It is submitted by learned counsel for the appellant that it was a specific case of the claimants that the deceased was travelling as passenger in the bolero vehicle and as the vehicle in question was a goods carriage vehicle, the insurance company was not liable, however, the Tribunal by relying on the statement of the driver who claimed that deceased was travelling with the goods being carried in the vehicle, has held the appellant – Insurance Company liable for compensation which is ex-facie contrary to the material on record.

In view of the submissions made, admit. Issue notice. Issue notice of the stay application also, returnable within a period of 6 weeks.

In the meanwhile and until further orders, in case the appellant – Insurance company deposits a sum of Rs.1,50,000/- after taking into consideration any amount deposited under proviso to Section 173 & Section 140 of the Motor Vehicles Act, 1988 within a period of 4 weeks, the rest of the award qua the appellant – Insurance Company shall remain stayed.

On deposit of the amount, the same be disbursed to the claimants by the Tribunal in terms of the award.

(ARUN BHANSALI),J

3-Sachin/-

