

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

S.B. Civil Misc. Appeal No. 1683/2024

New India Insurance Company Limited, Through Branch
Manager, Branch Office, Gol Building, Palace Road, Sirohi (Raj.)
(Insurer Of Offending Bus No. GJ-21-W-8088)

----Appellant

Versus

1. Smt. Gudiya Ben W/o Late Shri Prakash Bhai Rawal, Aged About 45 Years, R/o 4, Tripati Apartment, Rustmavadi Road, Fuwar, Navasri, Gujarat, 396445, At Present Sirodi, Tehsil Revdar, Sirohi, Rajasthan).
2. Heena D/o Late Shri Prakash Bhai Rawal, Aged About 21 Years, R/o 4, Tripati Apartment, Rustmavadi Road, Fuwar, Navasri, Gujarat, 396445, At Present Sirodi, Tehsil Revdar, Sirohi, Rajasthan).
3. Krishna D/o Late Shri Prakash Bhai Rawal, Aged About 18 Years, R/o 4, Tripati Apartment, Rustmavadi Road, Fuwar, Navasri, Gujarat, 396445, At Present Sirodi, Tehsil Revdar, Sirohi, Rajasthan).
4. Neel @ Nakul Kumar S/o Late Shri Prakash Bhai Rawal, Aged About 15 Years, Minor Represented Through His Mother And Natural Guardian Respondent No. 1 Smt. Gudiya Ben W/o Late Shri Prakash Bhai Rawal. R/o 4, Tripati Apartment, Rustmavadi Road, Fuwar, Navasri, Gujarat, 396445, At Present Sirodi, Tehsil Revdar, Sirohi, Rajasthan).
5. Shri Nandu Bhai Patil S/o Shri Sonji Patil, Age About Adult, R/o Magrur, Tehsil And Distt. Jalgoan (Maharashtra). (Driver Of Offending Bus No. GJ-21-W-8088)
6. Smt. Vaishali Ben, Age About Adult, R/o Navsari, Tehsil And Distt. Navsari, Gujarat. (Owner Of Offending Bus No. GJ-21-W-8088)
7. Shri Chela Ram S/o Chhogaji, R/o Sirodi Tehsil Revdar, Sirohi, Rajasthan. (Name Deleted)
8. Smt. Gattu Ben W/o Shri Chelaji, Aged About 77 Years, R/o Sirodi, Tehsil Revdar, Sirohi, Rajasthan.

----Respondents

For Appellant(s) : Mr. Vishal Singhal
For Respondent(s) : ---

HON'BLE MR. JUSTICE MADAN GOPAL VYAS
Order

29/05/2024

- Heard.
2. Admit.

3. At the request of learned counsel for the appellant, service of notice upon respondent No.5 is dispensed with.
4. Notices be issued to respondent Nos.1 to 4 and 6 to 8. Issue notice of stay application also, returnable on 05.08.2024.
5. Heard on stay application.
6. 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 70% 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 15.03.2024 shall remain stayed.
7. 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.
8. 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