

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

S.B. Civil Misc. Appeal No. 1450 / 2017

The Oriental Insurance Company Limited, Through Its Divisional
Manager, 637-B, Third Floor, Bhansali Tower, Residency Road,
Jodhpur. (Insurer)

----Appellant

Versus

1. Shambhu Lal, Son of Late Shri Devi Lal Banjara, Resident of
Village and Post Arniya, Tehsil Chittorgarh, District Chittorgarh.

2. Smt. Sita Daughter of Late Shri Devilal Banjara, Resident of
Village Muda Hola, Ward No. 5, Nagar Panchayat, Diken Javad,
District Neemuch, Madhya Pradesh.

3. Arjun Lal, Son of Shri Mangalram Gurjar, Resident of Ghas,
Police Station Tonk, District Tonk. (Driver)

4. Devilal Son of Shri Kalyan, Resident of Village Post Shahpura,
District Bhilwara, At Present House No. 3-B, Saheli Nagar, Udaipur.

5. Ugna, Son of Shri Naraji, Resident of Village Post Shahpura,
District Bhilwara, At Present House No. 3-B, Saheli Nagar, Udaipur.

6. Chitar, Son of Shri Kalyanji, Resident of Village and Post
Shahpura, District Bhilwara, At Present House No. 3-B, Saheli
Nagar, Udaipur. (Owners)

----Respondents

For Appellant(s) : Mr.Mukul Singhvi

HON'BLE MR. JUSTICE GOVERDHAN BARDHAR

Order

01/06/2017

Learned counsel for the appellant submits that the learned
Tribunal has entertained the claim petition after unreasonable
delay of 21 years. Learned counsel has placed reliance on Purohit
(M/s.) & Company Vs. Khatoonbee & Anr. [MACD 2017(2) (SC)

45], in which such stale claim ought not to have been entertained.

Issue notice of the appeal as also the stay application to the respondents.

In the meanwhile, the operation, effect and execution of the impugned judgment and award dated 01.03.2017 passed by the Motor Accident Claims Tribunal-I, Udaipur in MACT Case No.820/2011, shall remain stayed.

(GOVERDHAN BARDHAR) J.

Kshama Dixit

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सत्यमेव जयते