

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

S.B. Civil Misc. Appeal No. 2061/2018

Cholamandalam Ms General Insurance Company Limited ,
Through Branch Manager, Branch Khemesara Towers, Office No.
2, 2Nd Floor, Bapu Bazaar, Udaipur, Rajasthan - 313001. (Vehicle
No. Rj-12-Ga-0180) (Policy No. 3379/ 00990744/000/00 And
Duration From 26.01.2014 To 25.01.2015)

----Appellant

Versus

1. Suresh @ Suresh Chand S/o Shri Ramesh, B/c Nat, Aged 35 years, Work Band Player And Agriculturist, R/o Piplod, Near Pushpa Nagar, Ward No. 1 (Dailab Bypass) Banswara,
2. Dilip Kumar S/o Raghunath Banjara, Caste Banjara, Aged 32 Years, Working As Driver, R/o Banjara Basti, Near Post Office Mahidam, District And Tehsil Banswara, Rajasthan. (Driver Of The Insured Vehicle No. Rj-12-Ga-0180)
3. Mansingh S/o Khanna Banjara, By caste Banjara, Aged 42 years, R/o 323 Ward No. 8, Nathelav Colony, Behind Kabir Temple, Banjara Basti, Bahubali Colony, Banswara, Rajasthan. (Owner Of The Insured Vehicle No. Rj-12-Ga-0180)

----Respondents

For Appellant(s)	:	Mr. Aditya Singhi.
For Respondent(s)	:	

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

09/08/2018

It is submitted by learned counsel for the appellant that the injured was admittedly a passenger in the goods vehicle, for which the Tribunal was not justified in holding the insurance company liable to pay and recover.

In view of the submissions made, admit. Issue notice. Issue notice of stay application also.

Both are made returnable within a period of six weeks.

In the meanwhile and until further orders, if the appellant Insurance Company deposits 50% of the impugned award within a period of six weeks, after taking into consideration any amount deposited under Section 140 and/or proviso to Section 173(1) of the Motor Vehicle Act, 1988, the rest of the impugned award qua the appellant-Insurance Company shall remain stayed.

The amount when deposited be disbursed to the claimant in terms of the award.

(ARUN BHANSALI),J

Rm/97

