

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODH-
PUR**

S.B. Civil Miscellaneous Appeal No. 2184/2025

The Oriental Insurance Company Limited, Branch Office 175, Ashwani Market On The Central Bank Of India Dahali Gate Udaipur Through Competent Authority Manager Vijay Vyas S/o Shri A.I. Vyas Age 57 Years Divisional Office Jodhpur Insurance Company For Tanker No. Gj01-Ht-6339

----Appellant

Versus

1. Khemraj S/o Late Rama Patel, R/o Mandir Fala Chhapi Tehsil Bichhiwara District Dungarpur (Raj.)
2. Vala S/o Rama Ji Patel, R/o Mandir Fala Chhapi Tehsil Bichhiwara District Dungarpur (Raj.)
3. Hira Lal S/o Rama Ji Patel, R/o Mandir Fala Chhapi Tehsil Bichhiwara District Dungarpur (Raj.)
4. Dinesh Chandra S/o Late Rama Ji Patel, R/o Mandir Fala Chhapi Tehsil Bichhiwara District Dungarpur (Raj.)
5. Smt Mathi D/o Late Rama Ji Patel, Presently Living With Her Husband Bhagwan Patel R/o Hattod Tehsil Bichhiwara District Dungarpur
6. Smt Haker D/o Rama Ji Patel, Presently Living With Her Husband Hira Patel R/o Patel Basti Hattod Tehsil Bichhiwara District Dungarpur (Raj.)
7. Kailash S/o Jiva Hadat, R/o Karoli Fala Nawaghara Ps Bichhiwara Tehsil Bichhiwara And District Dungarpur (Raj.) Driver Tanker No. Gj 01-Ht-6339
8. Jitendra Naran Bhai Patel, Owner A Acid Limited R/o A-1 Shivalika Business Centre Canes Villa Golf Opp. Academy Bh Rajpath Club Of Sg Highway Ahmadabad Gujarat Driver Tanker No. Gj 01-Ht-6339
9. Mukesh Kumar S/o Bhom Ji Lawana, R/o Mada Ps Ram-sagda District Dungarpur (Raj.) Attorney Holder Of Owner Tanker No. Gj 01-Ht-6339

----Respondents

For Appellant(s)	:	Mr. Dinesh Kumar Joshi Mr. Gaurang Deora Mr. Shashi Vaishnav
For Respondent(s)	:	Mr. Vikas K. Bishnoi

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

16/04/2026

Learned counsel for the appellant-Insurance Company submits that the impugned award is under challenge on the ground that the learned Tribunal, while adjudicating the claim

petition, has erred in law in declaring the claimants, who are major sons-daughters of the deceased, as dependent.

The matter requires consideration.

Learned counsel Mr. Vikas K Bishnoi puts in appearance on behalf of respondent Nos.1 to 6.

Issue notice to the respondent Nos.7, 8 & 9, returnable within a period of six weeks.

Call for the record.

Meanwhile, effect and operation of the impugned judgment and award dated 28.02.2025 passed by the learned Judge, Motor Accident Claims Tribunal, Dungarpur in Claim Case No.452/2021, shall remain stayed qua the appellant subject to the condition that the appellant - Insurance Company deposits 70% of the amount (with interest) awarded by the Tribunal vide award dated 28.02.2025 within a period of six weeks.

The deposited amount shall 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.

It is made clear that the amount, if any, previously deposited by the appellant-insurance company, shall be adjusted towards the said amount.

Learned tribunal is directed to send the record after disbursement of the claim amount to the respondent.

It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondents-



claimant(s) shall be free to proceed with the execution of the impugned award.

(MUKESH RAJPUROHIT),J

6-AbhishekS/-