

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

S.B. Civil Misc. Appeal No. 1587/2023

United India Insurance Co. Ltd., Through Authorized Officer,
United India Insurance Company Limited, L.i.c. Building, Mandia
Road Pali (Marwar)

----Appellant

Versus

1. Kapooril W/o Asuramji, Aged About 48 Years, Profession House Wife, B/c Vishnoi, R/o Gorkha Ki Dhani, Dantiwas, Presently Living Punasa, Tehsil Bhinmal, District Jalore (Raj.).
2. Asu Ram S/o Fagluramji, Aged About 51 Years, Profession Agriculture, B/c Vishnoi, R/o Gorkha Ki Dhani, Dantiwas, Presently Living Punasa, Tehsil Bhinmal, District Jalore (Raj.).
3. Nikita D/o Late Satyaprakashji, Aged 34 Months, Minor Through Natural Guardian Grandfather Asuram S/o Fagluramji, B/c Vishnoi, R/o Gorkha Ki Dhani, Dantiwas, Presently Living Punasa, Tehsil Bhinmal, District Jalore (Raj.).
4. Mukesh Kumar S/o Jalmaji, Aged About 25 Years, Profession Driver, R/o Tarnia Kheda, Police Thana Jahajpur District Bhilwara (Raj). (Driver)
5. Babulal Choudhary S/o Banshidhar Jat, B/c Jat, R/o 108 Atkudi Ki Dhani, Todi, Police Thana Manoharpura, Tehsil Shahpura District Jaipur (Raj). (Owner)
6. Kamla Kumari W/o Satyaprakashji, Aged About 20 Years, D/o Ramchandraj, B/c Vishnoi, Profession Housewife, R/o Gorkha Ki Dhani, Dantiwas, Presently Living Punasa, Tehsil Bhinmal, District Jalore (Raj.). (Wife Of Deceased)

----Respondents

For Appellant(s)	:	Mr. Mahesh Joshi
For Respondent(s)	:	Mr. Prashant Panwar

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

27/09/2023

Heard.

2. Admit.

3. Learned counsel Mr. Prashant Panwar appeared on behalf of respondent-claimant Nos.1 to 3.

4. At the request of learned counsel for the appellant, service of notice upon respondent Nos.4 and 5 is dispensed with.

5. Issue notice to respondent No.6, returnable on 06.11.2023.

6. Call for the record.

7. Heard on stay application.

8. 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 18.05.2023 shall remain stayed.

9. 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.

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

11. The stay petition stands disposed of.

(MADAN GOPAL VYAS),J