

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

S.B. Civil Misc. Appeal No. 1124/2023

The New India Assurance Co. Ltd., Through Its Sr. Divisional
Manager (Legal Hub) Abhay Chamber Jalori Gate Jodhpur.

----Appellant

Versus

1. Shankar Lal S/o Home Meena, Aged About 30 Years, By
Caste Meena Resident Of Village Bhudhar Tehsil
Khairwada District Udaipur (Raj.)
2. Rajaram Marbelx India (P) Ltd., Resident Of Sultan Ji Ka
Khairwada Tehsil Jhadole District Udaipur (Raj.)

----Respondents

Connected With

S.B. Civil Misc. Appeal No. 1702/2023

Shankar Lal S/o Shri Homa Meena, Aged About 43 Years, By
Caste Meena, Resident Of Village Bhudhar, Tehsil Kherwada,
District Udaipur.

----Appellant

Versus

1. Rajaram Marbles India Private Ltd., Resident Of Sultan Ji
Kherwada, Tehsil Jhadol, District Udaipur.
2. The New India Insurance Company Limited, Through
Branch Manager, D.O. -3, Bapu Bazar-Udaipur.

----Respondents

For Appellant(s)	:	Mr. Narendra Kumar Joshi
For Respondent(s)	:	Mr. Digvijay Singh Chouhan with Ms. Shruti Rathi None present for R.2 in S.B. CMA No.1124/2023

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

28/03/2026

S.B. Civil Misc. Appeal No. 1124/2023

1. Learned counsel for the appellant submits that the impugned order has been assailed in the instant appeal only to the extent of liability to pay interest amount by the Insurance Company as it was the specific condition of the policy itself that the Insurance Company would not be under an obligation to indemnify the insurer in respect of any interest/liability.

In support of his contentions, learned counsel for the appellant has placed reliance upon a judgment rendered by the Hon'ble Supreme Court in the case of ***New India Assurance Co. Ltd. Versus Harshadbhai Amrutbhai Modhiya and Ors.; AIR 2006 SC 1926.***

2. The matter requires consideration.
3. Learned counsel – Ms. Namita Sahlot accepts notice on behalf of respondent No.1. Service upon respondent No.2 is complete, however, none appears on behalf of respondent No.2.
4. The effect, operation and execution of the impugned judgment/award dated 28.03.2023 passed by the learned Commissioner Employees Compensation, Udaipur in Claim Case No.WC/NF(D). 31/2011 titled '*SHANKAR LAL v/s RAJARAM MARBLEX INDIA (P) LTD. & ORS.*' shall remain stayed qua the present appellant Insurance Company only to the extent of the interest amount as awarded vide the impugned award.
5. List after eight weeks.

S.B. Civil Misc. Appeal No. 1702/2023

1. Learned counsel – Mr. Narendra Kumar Joshi accepts notice on behalf of respondent No.2. Issue notice to respondent No.1 only, returnable within six weeks.
2. List along with the connected matter.

(MUKESH RAJPUROHIT),J