

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

S.B. Civil Miscellaneous Appeal No. 2360/2024

Reliance General Insurance Company Limited, Through Branch Manager 2nd Floor Plot No 130A Patrakar Colony New Power House Road Jodhpur (Insurer Of Offending Pick Up No. RJ-19-GE-3490)

----Appellant

Versus

1. Varju Devi W/o Hanuman Ram, Aged About 33 Years,
2. Om Prakash S/o Hanuman Ram, Aged About 8 Years,
3. Hemant Kumar S/o Hanuman Ram, Age About 11 Years,
(Claimants/respondent Nos.2 & 3 are Minor Represented Through Next Friend And Natural Guardian Mother Respondent No. 1 Smt. Varju Devi W/o Late Shri Hanuman Ram)
All are R/o Khothon Ki Dhani, Akdara Tehsil Baytu.
4. Maga Ram S/o Shri Pema Ram, R/o Nehro Ka Tala Nokhada Tahsil Sindhari. (Owner/ Driver Of Offending Pick Up No. RJ-19-GE-3490)

----Respondents

For Appellant(s)	:	Mr. Vishal Singhal
For Respondent(s)	:	None present

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

27/04/2026

1. It is submitted by learned counsel for the appellant-insurance company that in pursuance of the order dated 19.03.2026, passed by this Court, the claimants were tried to be served through their counsel appearing before the Executing Court but he refused to take notice and the report to this extent has already been submitted.

2. Heard learned counsel for the appellant on the application under Section 5 of the Limitation Act seeking condonation of delay in filing the instant appeal.
3. For the reasons stated in the application, the same is allowed. The delay of 40 days in filing the present appeal is hereby condoned.
4. It is contended by learned counsel for the appellant that execution proceedings have been initiated and the order of attachment has been passed. He further submitted that he is ready to deposit the entire award amount before the learned Tribunal and prayed that the execution proceedings pending before the Executing Court may be stayed.
5. Admit. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.
6. Meanwhile, effect and operation and execution of the impugned judgment and award dated 21.03.2024 passed by the learned Judge, Motor Accident Claims, Tribunal Balotra in Motor Accident Claim Case No.131/2021 (CIS No.25/2022) shall remain stayed qua the appellant subject to the condition that the appellant-insurance company deposits the entire amount (with interest) awarded by the Tribunal vide award dated 21.03.2024 within a period of eight weeks.
7. The Learned Tribunal is directed not to disburse the amount so deposited to the claimants without leave of this Court.
8. Call for the record.
9. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondents-



claimants shall be free to proceed with the execution of the impugned award.

10. List this matter after eight weeks.

(MUKESH RAJPUROHIT),J

183-Ramesh/-