

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

S.B. Civil Writ Petition No. 13489/2025

Smt. Suman W/o Late Sandeep Kumar, Aged About 34 Years, R/
o Chak 20 Mlb, Tehsil And District Sri Ganganagar (Rajasthan).

-----Petitioner

Versus

1. United India Insurance Co. Ltd, 15 National Highway, Sri Ganganagar.
2. Cholamandalam Ms General Insurance Company Limited, Unit No. 704-707, Seventh Floor, Signature Tower Dc Two, Lal Kothi Scheme, District Shopping Center, Tonk Road, Jaipur- 302015.
3. Shivnya D/o Late Sandeep Kumar, Aged About 14 Years, Minor, Through Her Mother And Natural Guardian Smt. Suman W/o Late Sandeep Kumar, R/o Chak 20 Mlb, Tehsil And District Sri Ganganagar (Rajasthan).
4. Smt. Kailash W/o Shri Rajendra Kumar, R/o Chak 20 Mlb, Tehsil And District Sri Ganganagar (Rajasthan).
5. Rajendra Kumar S/o Shri Omprakash, R/o Chak 20 Mlb, Tehsil And District Sri Ganganagar (Rajasthan).
6. Gyan Singh S/o Shri Kartar Singh, House No. 60, Block Agk Estate, Tibba Road, Ludhiana, Punjab. (Deceased) (Owner Of Vehicle No. Pb/08Br/9187)
7. Gurpreet Singh S/o Shri Gyan Singh, House No. 67, Block Agk Estate, Tibba Road, Ludhiana, Punjab.
8. Amanpreet Singh S/o Shri Makkhan Singh, R/o Indragarh Dhani, Tehsil Sangaria, District Hanumangarh, Rajasthan. (Owner Of Trailer No. Rj 31 Gb 1313)
9. Surendra S/o Shri Mohan Lal Jat, R/o Bolawali, Tehsil Sangaria, District Hanumangarh, Rajasthan (Owner Of Trailer No. Rj 31 Gb 1313) Original Respondents In Mact Case And Proforma Respondents Herein)

-----Respondents

For Petitioner(s) : Mr. Jayant Garg

For Respondent(s) : Mr. Pawan Kumar Ojha

HON'BLE MR. JUSTICE GANESH RAM MEENA**Order****10/12/2025**

1. The present writ petition has been filed by the petitioner against the impugned order dated 02.07.2025, whereby the Motor Accident Claims Tribunal, Sri Ganganagar has ordered not to disburse the claim amount as awarded in favour of the claimants.

2. Considered the submissions made by counsel for the petitioner as well as counsel appearing for the respondent-insurance company.

3. As per the facts on record, a Claim Petition No. 30/2021 was filed by the claimants-petitioners before the Motor Accident Claims Tribunal, Sri Ganganagar which was disposed of vide judgment and award dated 12.12.2024 which reads as under:-

'25. प्रार्थीगण सुमनदेवी वगैरह की ओर से प्रस्तुत क्लेम प्रार्थना पत्र आंशिक रूप से 16,66,269/- रुपये (अक्षरे सौलह लाख छियासठ हजार दो सौ उन्नतर रुपये) के प्रतिकर के लिए अप्रार्थीगण के विरुद्ध संयुक्ततः एवं पृथक्कतः स्वीकार किया जाकर निम्नलिखित अधिनिर्णय पारित किया जाता है :-

- (1) प्रार्थीगण 16,66,269/- रुपये प्रतिकर अप्रार्थीगण से प्राप्त करने के अधिकारी है।
- (2) प्रार्थी उक्त क्षतिपूर्ति की राशि पर क्लेम प्रार्थना पत्र प्रस्तुत करने की दिनांक 27.01.2021 से 07 प्रतिशत वार्षिक साधारण की दर से ब्याज प्राप्त करने का अधिकारी होगा।
- (3) अप्रार्थी संख्या-2 बीमा कम्पनी का प्राथमिक दायित्व प्रतिकर राशि 12,49,702/- रुपये मय ब्याज का है एवं अप्रार्थी संख्या-5 बीमा कम्पनी शेष राशि 25 प्रतिशत रुपये /- 4,16,567 मय ब्याज का प्राथमिक दायित्व का रहेगा।
- (4) उक्त प्रतिकर की राशि एन.ई.एफ.टी के जरिए अप्रार्थी संख्या-2 बीमा कम्पनी एवं अप्रार्थी संख्या-5 बीमा कम्पनी एक माह की अवधि में इस अधिकरण के बैंक खाते में जमा करावें अन्यथा एक माह बाद 09 प्रतिशत वार्षिक साधारण ब्याज प्रार्थीगण प्राप्त करने का अधिकारी होगा।
- (5) प्रार्थीगण की सुरक्षा एवं भविष्य को देखते हुए प्रतिकर राशि का आवंटन निम्नलिखित अनुसार किया जाता है -

(5) प्रार्थीगण की सुरक्षा एवं भविष्य को देखते हुए प्रतिकर राशि का आवंटन निम्नलिखित अनुसार किया जाता है –

प्रार्थिया संख्या-1

- 2,66,269 / – रुपये मय सम्पूर्ण ब्याज नकद जरिए बचत खाता।
- 1,00,000 / – रुपये दो वर्ष के लिए सावधि खाता में जमा।
- 2,00,000 / – रुपये तीन वर्ष के लिए सावधि खाता में जमा।
- 2,00,000 / – रुपये चार वर्ष के लिए सावधि खाता में जमा।

प्रार्थी संख्या-2

- 7,00,000 / – रुपये जरिए माता श्रीमती सुमन बालिग होने तक सावधि खाता में जमा।

प्रार्थिया संख्या-3

- 50,000 / – रुपये मय नकद जरिए बचत खाता।
- 50,000 / – रुपये दो वर्ष के लिए सावधि खाता में जमा।

प्रार्थिया संख्या-4

- 50,000 / – रुपये मय नकद जरिए बचत खाता।
- 50,000 / – रुपये दो वर्ष के लिए सावधि खाता में जमा।'

4. The claimants-petitioners filed an application before the Motor Accident Claims Tribunal for disbursement of the compensation amount as awarded by the Motor Accident Claim Tribunal and deposited by the respondent-insurance company.

5. The Court put a query to the counsel appearing for the respondent-company as to whether in the appeal filed by the insurance company against the award of the Motor Accident Claims Tribunal, there is any interim order passed by the High Court, then he answered that there is no interim order as regards the award passed by the Motor Accident Claim Tribunal.

6. Since there is no interim order in respect of judgment and award dated 12.12.2024, the Motor Accident Claims Tribunal cannot withheld the amount. The Motor Accident Claim Tribunal was under obligation to disburse the award amount to the claimants as the amount awarded by the Motor Accident Claims Tribunal is under the welfare legislation.

7. Counsel for the respondent-insurance company submitted that in the interest of justice and to safeguard the interest of the insurance company, the petitioner may be directed to submit an undertaking before the Tribunal that in case the respondent-insurance company succeeds in the appeal filed by it against the award of the Motor Accident Claim Tribunal, the claimants will refund the amount received by them.

8. Counsel appearing for the petitioner states that they are ready to submit the undertaking for refund of amount in case, the insurance company succeeds in their appeal.

9. In view of the above, the present writ petition is allowed, the order dated 02.07.2025 passed by the Motor Accident Claim Tribunal, Sri Ganganagar is quashed and set aside. The Motor Accident Claim Tribunal is directed to disburse the compensation amount to the claimants as per the terms and conditions of the award subject to filing of the undertaking by the claimants that they will refund the amount received by them in case the respondent-insurance company succeeds in the appeal filed against the award.

(GANESH RAM MEENA),J