

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

S.B. Civil Misc. Appeal No. 2998/2024

Reliance General Insurance Company Limited, 4Th Floor, Ajay Bangla, In Front Of Hdfc Bank, Mitha Khali 6 Road, Navrangpura, Ahmedabad, Gujrat.

-----Appellant

Versus

1. Hema Ram Goyal S/o Sh. Achlaram Ji Goyal, Aged About 66 Years, R/o 23-C-78, Choupasani Housing Board, Jodhpur.
2. Kumari Samta Goyal D/o Sh. Hema Ram, R/o 23-C-78, Choupasani Housing Board, Jodhpur.
3. Kumari Deshna Goyal D/o Sh. Hema Ram, R/o 23-C-78, Choupasani Housing Board, Jodhpur.
4. Sh. Uga Bhai S/o Shir Kalu Bhai Desai, R/o Village Akwara Shahjanand, Behind Gurukul, Balvand Rai Society, No. 68, Teh. And Dist. Bhavnagar, Gujrat.
5. The Oriental Ins. Co. Ltd., Through Branch Manager, Divisional Office, Bhansali Tower, Residency Road, Jodhpur.
6. Sh. Mihir Joshi S/o Sh. Mukund Bhai Joshi, R/o Anurag's House, In Front Of Sarkej Sarkar Tubewell Bhopal, Ahmedabad
7. Sh. Gouri Shankar S/o Sh.dhulaji, R/o Diwer Ki Chali, Teh. Aashpur, Dist. Dungarpur, Raj. Current Add. Bhika Bhai Ki Chali, Near To Manak Bag Hall, Ahmedabad.

-----Respondents

For Appellant(s)	:	Mr. Vishal Singhal
For Respondent(s)	:	Mr. S.K. Sankhla

HON'BLE MS. JUSTICE REKHA BORANA

Order

05/02/2025

1. Learned counsel for the appellant submits that the learned Tribunal erroneously held the appellant-Insurance Company also

compositely negligent whereas it was proved on record that it was only the driver of the truck in question who was negligent and even the challan in police investigation had been filed against him.

2. In view of the submission made, Admit. Issue notice. Issue notice of the stay application also.

Notices need not be issued to respondent-claimant Nos.1 to 3 are already represented by the counsel.

Let notices be issued to other respondents.

3. Meanwhile, effect, operation and execution of the impugned judgment and award dated 14.06.2024 passed by Motor Accident Claims Tribunal, Jodhpur Metro in Motor Accident Claim Case No.351/2015 (NCV No.351/2015) shall remain stayed qua the present appellant-Insurance Company subject to it depositing an amount of Rs.25,00,000/- (Rupees Twenty Five Lacs only) with interest, after adjusting the amount already paid, within a period of six weeks from now with the learned Tribunal. The amount when deposited be disbursed to the claimants in terms of the award.

4. Stay petition stands **disposed of**.

(REKHA BORANA),J