

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

S.B. Civil Misc. Appeal No. 87/2023

Rajasthan State Road Transport Corporation, Jaipur Depot Jaipur
Through Chief Manager, Rajasthan State Road Transport
Corporation Jaipur (Raj.) (Non-Claimant Bus Owner)

-----Appellant

Versus

1. Nasir Khan S/o Ameer Khan, By Caste Pathan, Resident Of Rashami, Tehsil Rashami, District Chittorgarh, At Present Near Kumbha Circle, Azad Nagar, Bhilwara (Raj.)
2. Smt. Gulshafa D/o Nasir Khan, W/o Raju Khan, By Caste Pathan, Resident Of Rashami, Tehsil Rashami, District Chittorgarh, At Present Near Kumbha Circle, Azad Nagar, Bhilwara (Raj.)
3. Smt. Afsana Bano D/o Nasir Khan, W/o Jamil Khan, By Caste Pathan, Resident Of Rashami, Tehsil Rashami, District Chittorgarh, At Present Near Kumbha Circle, Azad Nagar, Bhilwara (Raj.)
4. Najma Khan D/o Nasir Khan, By Caste Pathan, Resident Of Rashami, Tehsil Rashami, District Chittorgarh, At Present Near Kumbha Circle, Azad Nagar, Bhilwara (Raj.)
5. Puarshotam Joshi S/o Shri Radha Kishan, By Caste Joshi, Resident Of Sector 4, Gandhi Nagar, Chittorgarh, District Chittorgarh. (Raj.) (Driver)

-----Respondents

For Appellant(s) : Mr. Loon Karan Purohit

HON'BLE MS. JUSTICE REKHA BORANA

Order

19/01/2023

The present appeal has been preferred against the award dated 29.09.2022 passed by the Motor Accident Claims Tribunal No.2, Bhilwara in MAC Case No.355/2022 (117/2021).

Learned counsel for the appellant submitted that the learned Tribunal has erred in concluding the age of the deceased to be 36 years whereas admittedly her daughter was of 27 years according to the documentary evidence placed on record. Therefore, the mother of a daughter of 27 years of age cannot, by any stretch of imagination, be 36 years of age.

In view of the submission made, Admit. Issue notice to respondents No.1 to 4 only. Issue notice of the stay application also.

The service of respondent No.5 is dispensed with at the risk of the appellant.

Notices be filed in two sets. One set of notices be given 'dasti' to learned counsel for the appellant for service through registered post, acknowledgement due. Notices be made returnable within a period of four weeks.

Meanwhile, the operation and execution of the award dated 29.09.2022 passed in Claim Case No.355/2022 (117/2021) shall remain stayed subject to the appellant depositing 70% of the award amount before the Tribunal within a period of four weeks from today. On the amount being deposited, the same be disbursed to the claimants in terms of the award.

(REKHA BORANA),J