

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

S.B. Civil Misc. Appeal No. 6/2023

1. Parmeshwari Devi W/o Late Shri Shankarlal, Aged About 47 Years, At Time Of Accident, By Caste Bishnoi, Permanent Resident Of Village Rodha, Current Resident Of Gajner Road, Chunghi Chowki, Bikaner.
2. Sarita D/o Late Shri Shankarlal, Aged About 26 Years, At Time Of Accident, By Caste Bishnoi, Permanent Resident Of Village Rodha, Current Resident Of Gajner Road, Chunghi Chowki, Bikaner.
3. Sumitra D/o Late Shri Shankarlal, Aged About 23 Years, At Time Of Accident, By Caste Bishnoi, Permanent Resident Of Village Rodha, Current Resident Of Gajner Road, Chunghi Chowki, Bikaner.
4. Ashok S/o Late Shri Shankarlal, Aged About 20 Years, At Time Of Accident, By Caste Bishnoi, Permanent Resident Of Village Rodha, Current Resident Of Gajner Road, Chunghi Chowki, Bikaner.
5. Manju D/o Late Shri Shankarlal, Aged About 17 Years, At Time Of Accident, By Caste Bishnoi, Permanent Resident Of Village Rodha, Current Resident Of Gajner Road, Chunghi Chowki, Bikaner.
6. Nirma D/o Late Shri Shankarlal, Aged About 14 Years, At Time Of Accident, By Caste Bishnoi, Permanent Resident Of Village Rodha, Current Resident Of Gajner Road, Chunghi Chowki, Bikaner.
7. Kanchan D/o Late Shri Shankarlal, Aged About 10 Years, At Time Of Accident, By Caste Bishnoi, Permanent Resident Of Village Rodha, Current Resident Of Gajner Road, Chunghi Chowki, Bikaner.

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Versus

1. Hariram S/o Hazariram, Aged About 36 Years, By Caste Bishnoi, Resident Of Kudsu, Police Station Nokha, District Bikaner. (Registered Trailer Owner)
2. Jagdish Dhayal S/o Shri Gangabishan, By Caste Bishnoi, Resident Of Bada Baas, Rasisar, Tehsil Nokha, District Bikaner. (Trailer Driver)
3. Sbi General Insurance Company Ltd., Registered Address

At Natraj, 101,201,and 301, Junction Western Express Highway And Andheri Kurla Road, Andheri (East) Mumbai 400069 (Insurance Company)

-----Respondents

For Appellant(s) : Mr. Aman Bishnoi Bola
For Respondent(s) : ---

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

01/07/2024

Learned counsel for the appellants submits that learned trial Court-firstly, erroneously rejected the claim petition as preferred by the claimants and secondly, while rejecting the claim petition, granted liberty to the insurance company to recover the amount from the claimants as paid to them in terms of Section 140 of the Motor Vehicles Act, 1988.

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

Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the appellants for service through registered post acknowledgement due.

Postal receipts of '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notice.

Call for the record.

The effect, operation and execution of the award dated 31.08.2022 passed by Motor Accident Claims Tribunal, Bikaner in Motor Accident Claim Case No.236/2014 shall remain stayed to



the extent it directs recovery of the amount paid to the claimants under Section 140 of the Motor Vehicles Act, 1988.

(KULDEEP MATHUR),J

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