

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

S.B. Civil Misc. Appeal No. 7/2025

1. Ircon Internal Limited, Plot No. B-101 E, First Floor, Murlidhar Vyas Colony, Main Karnisar, Bikaner Through Its Authorised Singatory Mr. Vineet Kumar Tripathi
2. Dharamdas Yadav S/o Shri Sampatlal, Aged About 38 Years, R/o Rampur, Madhuki Alias Fajipur Koru Thana Manjanpur, Dist. Koshambi -212297, Uttar Pradesh

----Appellants

Versus

1. The New India Assurance Company Ltd., Through Branch Manager, First Floor, Near Nagar Nigam, Peari Paradise, Near Kirti Stambh, Bikaner, Policy No. 33150031150100005316 Period Dated 12.10.2015 Up To 11.10.2016
2. Usha Devi W/o Late Shrihansraj Rana, Aged About 44 Years, R/o Shankar Studio Ke Samne, Indira Colony, Bikaner
3. Aanchi Devi W/o Late Shrichunilal, Aged About 63 Years, R/o Shankar Studio Ke Samne, Indira Colony, Bikaner
4. Pratap S/o Late Shri Hansraj Rana, Aged About 20 Years, R/o Shankar Studio Ke Samne, Indira Colony, Bikaner
5. Bulbul D/o Shri Hansraj Rana, Aged About 17 Years, Minor Represented Through His Natural Guardians Mata Usha Devi R/o Shankar Studio Ke Samne, Indira Colony, Bikaner
6. Sawai Rana S/o Late Shri Hansraj Rana, Aged About 16 Years, Minor Represented Through His Natural Guardians Mata Usha Devi R/o Shankar Studio Ke Samne, Indira Colony, Bikaner
7. Narendra Rana S/o Late Shri Hansraj Rana, Aged About 16 Years, Minor Represented Through His Natural Guardians Mata Usha Devi R/o Shankar Studio Ke Samne, Indira Colony, Bikaner
8. Bhanwar Kanwar W/o Shri Maehsh Songara, D/o Late Shri Hansraj Rana R/o Data Ramgarh, Dist. Sikar
9. Kaushalya W/o Shri Rajendra Narawat, D/o Shri Hansraj Rana R/o Village Singad, Dist. Nagaur
10. Rekha W/o Shri Ramswaroop, D/o Late Shri Hansraj Rana R/o Village Badesar, Dist. Churu
11. Kishanarana W/o Ramswaroop, D/o Late Shri Hansraj Rana R/o Village Sowa, Tehsil Nokha, Dist. Bikaner

----Respondents

Connected With

S.B. Civil Misc. Appeal No. 68/2025

1. Ircon International Limited, R/o Plot No. B-101 E, First Floor, Murlidhar Vyas Colony, Main Karnisar, Bikaner Through Its Authorized Signatory Mr. Vineet Kumar Tripathi.

2. Dharamdas Yadav S/o Shri Sampatlal, Aged About 38 Years, R/o Rampur, Madhuki @ Faijipur Koro Thana Manjanpur, Distt. Koshambi 212297, Uttar Pradesh.

----Appellants

Versus

1. The New India Assurance Company Ltd., Through Branch Manager, First Floor, Near Nagar Nigam, Pearl Paradise, Near Kirti Stambh, Bikaner, Police No. 33150031150100005316 Period Dated 12-10-2015 Up To 11-10-2016.
2. Dr. Rajni Dargad W/o Late Shri Rajkumar, Aged About 55 Years, R/o Rajni Hospital, Jassusar Gate Ke Bahar, Bikaner.
3. Ankita D/o Late Shri Rajkumar, Aged About 30 Years, W/o Shri Kinchit Bihani, R/o Flat No. 188, Akash Darshan Apartment, Ambedkar Bhawan Ke Samne, Mayur Vihar, Phase-I, Delhi.
4. Apurva Dargad D/o Late Shri Rajkumar, Aged About 26 Years, R/o Rajni Hospital Jassusar Gate Ke Bahar, Bikaner.
5. Medhanshu D/o Late Shri Rajkumar, Aged About 18 Years, R/o Rajni Hospital, Jassusar Gate Ke Bahar, Bikaner.
6. Kamla Devi W/o Late Shri Jamnadas Dargad, Aged About 79 Years, R/o 30/a/12B, Dr. P.t. Laha Street, Rishra, Hooghly, West Bengal, (Death During Pendency)

----Respondents

S.B. Civil Misc. Appeal No. 107/2025

1. Ircon International Limited, Plot No. B-101, E, First Floor, Muridhar Vyas Colony, Main Karnisar, Bikaner Through His Authorised Signatory Mr. Vineet Kumar Tripathi
2. Dharamdas Yadav S/o Shri Sampatlal, Aged About 38 Years, R/o Rampur, Madhuki Alias Faljipur Koro Thana Manjanpur, Dist. Koshambi-212297, Uttar Pradesh

----Appellants

Versus

1. The New India Assurance Company Ltd., Through Branch Manager, First Floor, Near Nagar Nigam, Pearl Paradise, Near Kirti Stambh, Bikaner, Policy No. 33150031150100005316 Period Dated 12-10-2015 Up To 11-10-2016
2. Omprakash Vyas S/o Shri Daulal Vyas, Aged About 61 Years, R/o Ward No. 14, Songiri Kuwa Road, Vyas Panchayat Kotri, Bikaner
3. Ashutosh Pareek S/o Shri Omprakash Vyas, R/o Ward No. 14, Songiri Kuwa Road, Vyas Panchayat Kotri, Bikaner
4. Anuradha Pareek D/o Shri Omprakash Vyas, Aged About 36 Years, W/o Rajesh Kumar Pareek, R/o 2-A-24, Housing Board, Pawanpuri, Bikaner

----Respondents

S.B. Civil Misc. Appeal No. 72/2025

1. Ircon International Limited, Plot No. B-101 E, First Floor,

Murlidhar Vyas Colony, Main Karnisar, Bikaner Through
Its Authorised Signatory Mr. Vineet Kumar Tripathi

2. Dharamdas Yadav S/o Sh. Sampatlal, Aged About 38
Years, R/o Rampur, Madhuki Alias Faijipur Koro Thana
Manjanpur, Dist. Koshambi, Uttar Pradesh.

----Appellants

Versus

1. The New India Assurance Company Ltd., Through
Branch Manager, First Floor, Near Nagar Nigam, Pearl
Paradise, Near Kirti Stambh, Bikaner
2. Savitri Devi W/o Lt. Sh. Mansukh Das, R/o Bheruji
Mandir Ke Pass, Jeengar Mohalla, Gopeshwar Basti,
Bikaner.
3. Manisha D/o Lt. Sh. Mansukh Das, R/o Bidavato Ki
Badigali, Sujangarh, Dist. Churu.
4. Durga Devi D/o Lt. Sh. Mansukh Das, R/o Jeengarh
Mohalla, Gopeshwar Basti, Bikaner.
5. Ajay Kumar S/o Lt. Sh. Mansukh, R/o Bheruji Mandir Ke
Pass, Jeengar Mohalla, Gopeshwar Basti, Bikaner.
6. Lokesh Kumar W/o Lt. Sh. Mansukh Das, R/o Bheruji
Mandir Ke Pass, Jeengar Mohalla, Gopeshwar Basti,
Bikaner.
7. Monica D/o Lt. Sh. Mansukh Das, R/o Bheruji Mandir Ke
Pass, Jeengar Mohalla, Gopeshwar Basti, Bikaner.

----Respondents

S.B. Civil Misc. Appeal No. 140/2025

1. Ircon Intenational Limited, Plot No. 101 E, First Floor,
Murlidhar Vyas Colony, Main Karnisar, Bikaner Through
Its Authorised Signatory Mr. Vineet Kumar Tripathi
2. Dharamdas Yadav S/o Shri Sampatlal, Aged About 38
Years, R/o Rampur, Madhuki Alias Faljipur Koro Thana
Manjanpur, Dist. Koshambi -212297, Uttar Pradesh

----Appellants

Versus

1. The New India Assurance Company Ltd., Through
Branch Manager, First Floor, Near Nagar Nigam, Pearl
Paradise, Near Kirti Stambh, Bikaner, Policy No.
33150031150100005316 Period Dated 12-10-2015 Up
To 11-10-2016
2. Vimla Swami W/o Late. Shri Sumer Singh, Aged About
51 Years, R/o Tilak Nagar, Bikaner
3. Bharat Bhushan S/o Late Shri Sumer Singh, R/o Tilak
Nagar, Bikaner
4. Sanjana Singh D/o Late Shri Sumer Singh, Aged About
29 Years, R/o Tilak Nagar, Bikaner
5. Kanak Prabha, R/o Tilak Nagar, Bikaner
6. Banarsi Devi W/o Late Shri Kanaram, Aged About 93
Years, R/o Tilak Nagar, Bikaner

----Respondents

For Appellant(s) : Mr. Rishabh Khandelwal
For Respondent(s) : Mr. Jagdish Chandra Vyas

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

17/03/2026

1. The present matters have come up on applications preferred by the respondent–Insurance Company seeking vacation of the ex-parte interim orders dated 21.07.2025, 27.05.2025, 21.04.2025 and 09.05.2025 passed in S.B. Civil Misc. Appeal Nos. 7/2025, 107/2025, 68/2025 and 71/2025, respectively.
2. Learned counsel for the respondent–Insurance Company submits that the vehicle in question was plied in violation of insurance conditions as there was no valid permit. However, in compliance of the award dated 29.08.2024 passed by the learned Motor Accident Claims Tribunal, District Bikaner, whereby a direction to pay and recover was issued, the entire amount of compensation has already been deposited by the Insurance Company in all cases. It is contended that as per the award, the insurer has a right to recover the awarded amount from the driver and owner of the offending vehicle; however, due to the interim stay orders passed by this Court, the insurer is precluded from exercising such recovery rights. On these grounds, it is prayed that the interim orders may be vacated.
3. In respect of S.B. Civil Misc. Appeal No. 140/2025, it is submitted by learned counsel for the respondent – insurance company that entire awarded amount has also been deposited therein.

4. *Per contra*, learned counsel for the appellants submits that the vehicle involved in the accident is a construction equipment vehicle and not a goods carriage, and therefore, no permit was required under the relevant provisions of law. It is further submitted that though an application for grant of permit was moved in April, 2016, the same was issued belatedly in August, 2016 by the competent authority. Thus, it is argued that absence of permit cannot be made a ground to fasten liability upon the appellants.

5. It is also urged that the aforesaid plea was not specifically raised earlier either before the Tribunal or in the memo of appeal, and therefore, the appellants may be granted time to file an appropriate application under Order XLI Rule 2 CPC for raising the said ground.

6. With regard to S.B. Civil Misc. Appeal No. 140/2025, it is submitted that no interim order is operating and appropriate protection be granted in the said appeal as well.

7. Having considered the rival submissions and upon perusal of the record, this Court finds it is not in dispute that the respondent–Insurance Company has already deposited the entire awarded amount in compliance of the impugned award dated 29.08.2024 and the award grants recovery rights to the insurer against the driver and owner of the vehicle. In the facts and circumstances, a balance is required to be struck between the competing equities by protecting the interest of both parties.

8. Accordingly, this Court deems it appropriate to direct that the effect and operation of the impugned judgment and award dated

29.08.2024 passed by the learned Motor Accident Claims Tribunal, District Bikaner in Motor Accident Claim Case Nos. 367/2016, 377/2016 388/2016 and 196/2017 shall remain stayed, subject to the condition that the appellants deposit 50% of the amount (along with accrued interest) already deposited by respondent No.1 – Insurance Company, within a period of four weeks from today before the learned Tribunal. The amount so deposited shall be disbursed by the learned Tribunal to respondent No.1 – Insurance Company in accordance with law.

9. In case the aforesaid amount is deposited within the stipulated period, the interim protection shall continue during pendency of the appeals.

10. In the event of failure to deposit the said amount within the stipulated time, the interim orders shall stand vacated automatically and the respondent–Insurance Company shall be at liberty to recover the amount in accordance with law.

11. The above directions shall also govern S.B. Civil Misc. Appeal No. 140/2025 arising out of MAC Case No.08/2017.

12. With the aforesaid direction/modification, all the stay applications stand disposed of.

13. List the matter after six weeks.

(MUKESH RAJPUROHIT),J