

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

S.B. Civil Misc. Appeal No. 16/2025

National Insurance Co. Ltd., Through Division Manager, Divisional Office Sriganganagar, Through Its Authorised Signatory At Sun Tower, 3Rd And 4Th Floor, Pal Road, Jodhpur (Insurer Of Motorcycle No. Rj-49-Sb-9367)

----Appellant

Versus

1. Tarachand S/o Pokar Ram, Aged About 53 Years, R/o Mundariya Bada, Tehsil Bhadra, Dist. Hanumangarh.
2. Savitri W/o Tarachand, Aged About 48 Years, R/o Mundariya Bada, Tehsil Bhadra, Dist. Hanumangarh.
3. Silochana W/o Lt. Bhupesh Kumar, Aged About 25 Years, R/o Mundariya Bada, Tehsil Bhadra, Dist. Hanumangarh.
4. Nisha D/o Lt. Bhupesh Kumar, Aged About 5 Years, Minor Through Mother Resp. No. 3 Silochana W/o Lt. Bhupesh Kumar, Age 25 Years, R/o Mundariya Bada, Tehsil Bhadra, Dist. Hanumangarh.
5. Bhanwari Devi D/o Tarachand, Aged About 25 Years, W/o Sunil Kumar, R/o Ward No. 27, Kasba - Bhadra, Dist. Hanumangarh.
6. Sunita D/o Tarachand, Aged About 24 Years, W/o Balwan Singh, R/o Sani Badi, Tehsil Bhadra, Dist. Hanumangarh.
7. Kamal Kumar S/o Mn Kalra, R/o 30 Paschimi Vihar, Vaishali Nagar, Jaipur, At Present At H.no. 216 Golden Avenue, Phase - 2, Jalandhar, Punjab. (Registered Owner Motorcycle No. Rj-14-47M-7724)
8. Sehdev Godara S/o Subhash Chandra, R/o 41, Gaon Jogiwala, Tehsil Bhadra, Dist. Hanumangarh. (Purchaser Owner Motorcycle No. Rj-14-47M-7724)
9. Oriental Insurance Co. Ltd., Through Divisional Manager, Divisional Office At Sriganganagar. (Insurer Of Motorcycle No. Rj-14-47M-7724)
10. Krishna W/o Lt. Girdhari, Aged About 35 Years, R/o Jogiwala, Tehsil Bhadra, Dist. Hanumangarh. (Lrs Of Deceased Driver Of Motorcycle No. Rj-14-47M-7724)
11. Chawli Devi W/o Jagdish Prasad, Aged About 65 Years, R/o Jogiwala, Tehsil Bhadra, Dist. Hanumangarh. (Lrs Of Deceased Driver Of Motorcycle No. Rj-14-47M-7724)
12. Naveen Kumar S/o Lt. Girdhari, Aged About 19 Years, R/o Jogiwala, Tehsil Bhadra, Dist. Hanumangarh. (Lrs Of Deceased Driver Of Motorcycle No. Rj-14-47M-7724)
13. Ankit S/o Lt. Girdhari, Aged About 15 Years, Minor Through Resp. No. 11 Grandmother Chawli Devi W/o Jagdish Prasad, R/o Jogiwala, Tehsil Bhadra, Dist. Hanumangarh. (Lrs Of Deceased Driver Of Motorcycle No. Rj-14-47M-7724)

----Respondents

For Appellant(s) : Mr. Santosh Choudhary

HON'BLE DR. JUSTICE NUPUR BHATI
Order

11/02/2025

Learned counsel for the appellant-insurance company places reliance upon the judgment passed by the Hon'ble Apex Court in the case of *Ramkhiladi & Anr. v. United Insurance Company Ltd. & Anr. [(2020) 1 RAR 17 (SC)]* and submits that the heirs of the insured cannot maintain claim in terms of Motor Vehicles Act, as the person cannot be both, the claimant as also a recipient.

Issue notice to the respondents. Issue notice of stay application to the respondents also, returnable within four weeks.

In the meanwhile, the appellant-Insurance Company is directed to deposit a sum of Rs.50,000/- along with interest @ 6% per annum, which shall be accordingly disbursed to the respondents/claimants subject to their furnishing an undertaking that in case, the appeal filed by the appellant-Insurance Company is allowed, they will return the sum with interest @ 6% per annum and till next date, the impugned award dated 11.09.2024 passed by the learned Judge, Motor Accident Claims Tribunal, Bhadra, Distt. Hanumangarh, in Claim Case No.01/2019, shall remain stayed. Any amount deposited earlier, shall also be adjusted.

(DR. NUPUR BHATI),J