

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

S.B. Civil Miscellaneous Appeal No. 3712/2025

Cholamandalam Ms General Insurance Co. Ltd., Jodhpur Office
Near Arora Namkeen, Above Kia Showroom, Pratap Nagar,
Jodhpur Through Its Authorized Representative .

----Appellant

Versus

1. Archit Pareek S/o Late Sh Dinesh Pareek, R/o Village Baldarkha, Via Upreda, Tehsil Banera, District Bhilwara Presently Residing At 77 C, Rk Colony, Bhilwara
2. Vijay Singh Jat S/o Naurang Lal Jat, R/o Bigodna, Chidava, Ps Pilani, District Jhunjhunu (Owner)
3. Rohitash S/o Tek Chand Jat, R/o Village Janau-Mithi, Ps Hameervas, Tehsil Rajgarh, District Churu (Driver)

----Respondents

For Appellant(s) : Mr. Jagdish Vyas.

For Respondent(s) : Mr. Kaushik Suthar for Mr. Manish Pitaliya.

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

15/04/2026

1. Learned counsel for the appellant–Insurance Company submits that the impugned award has been challenged on the ground that the quantum of income assessed by the learned Tribunal is not supported by any cogent evidence and that the aspect of negligence has also not been properly appreciated by the learned Tribunal.
2. The matter requires consideration.
3. Admit. Issue notice. Issue notice of stay application also.
4. At the request, risk and cost of the appellant, the service upon the respondent nos.3 is dispensed with.
5. Mr. Kaushik Suthar associate to Manish Pitaliya, learned counsel has put in appearance on behalf of respondent No.1.
6. Let notices be issued to respondent No.2.
7. List after eight weeks.

8. Meanwhile, effect and operation of the impugned judgment and award dated 31.07.2025 passed by the learned Judge, Motor Accident Claims Tribunal No.2, Bhilwara in Motor Accident Claim Case No.552/2019 (CIS No.552/2019) shall remain stayed qua the appellant subject to the condition that the appellant-insurance company deposits 70% of the amount (with interest) awarded by the Tribunal vide award dated 31.07.2025 within a period of eight weeks.

9. The deposited amount may be disbursed to the respondent-claimant in the manner and proportion as contemplated in the impugned judgment and award with the undertaking that if the appellant-insurance company succeeds, they shall refund the same along with interest in accordance with law.

10. It is made clear that the amount, if any, previously deposited by the appellant-insurance company, shall be adjusted towards the said amount.

11. Learned trial Court is directed to send the record after disbursement of the claim amount to the respondent.

12. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent-claimant(s) shall be free to proceed with the execution of the impugned award.

13. The stay petition stands disposed of accordingly.

(MUKESH RAJPUROHIT),J