

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

S.B. Civil Misc. Appeal No. 563/2026

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

Versus

1. Smt. Hemlata Spouse/o Late Sh Shrawan Kumar Mewara,
Resident Of 21/585, Kudi Bhagtasni Housing Board,
Jodhpur
2. Siddharth S/o Late Sh Shrawan Kumar Mewara, Minor Is
Represented Through Their Natural Guardian Mother Smt
Hemlata, Res. No. 1, Resident Of 21/585, Kudi Bhagtasni
Housing Board, Jodhpur
3. Bhavesh S/o Late Sh Shrawan Kumar Mewara, Minor Is
Represented Through Their Natural Guardian Mother Smt
Hemlata, Res. No. 1, Resident Of 21/585, Kudi Bhagtasni
Housing Board, Jodhpur
4. Smt Pani Devi Spouse/o Pokar Chand, Resident Of
21/585, Kudi Bhagtasni Housing Board, Jodhpur
5. Pokar Chand Alias Pokar Ram S/o Heera Lal Mewara,
Resident Of 21/585, Kudi Bhagtasni Housing Board,
Jodhpur.
6. Manoj Kumar S/o Makkhan Singh Rajput, R/o Village
Adhiyar, Ps Kanina, District Mahendragarh, Haryana.
Presently Residing At Bhati Dharam Kanta, Transport
Nagar, Jaisalmer. (Driver)
7. Mohd Rafiq S/o Ahmed Ali, R/o Valmiki Colony, Ward
No.26, Jaisalmer. (Owner) ----Respondents

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

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

24/02/2026

1. Learned counsel for the appellant submits that the accident in question occurred on 20.03.2016. On the said date, the deceased, along with other co-passengers travelling in his vehicle, was struck by the offending vehicle. As a result of the collision, all the occupants of the vehicle sustained injuries. The deceased was immediately shifted to the hospital, where he was declared brought dead.

It is further submitted that a bare perusal of FIR, which was registered by the brother of deceased after an inordinate delay of about 15 days, would itself reveal that in a sudden reaction to save cattle on road, the vehicle of deceased became unbalanced and dashed against the divider and overturned and aforementioned events transpired. It is further submitted that the insured vehicle has falsely been identified and implicated in the present case with an ulterior motive to claim compensation.

2. The matter requires consideration.
3. Issue notice to respondent(s), returnable within six weeks.
4. Meanwhile, effect and operation of the impugned judgment and award dated 29.08.2025 passed by the learned Judge, Industrial Tribunal and Labour Court-cum-Motor Accident Claims Tribunal, Jodhpur Metropolitan, Jodhpur in Motor Accident Claim Case No.530/2021 (438/2016) shall remain stayed qua the appellant subject to the condition that the appellant - Insurance Company deposits 50% of the amount awarded by the Tribunal vide award dated 29.08.2025 within a period of eight weeks.
5. Upon deposit, the amount shall be disbursed to the claimant-respondents in terms of the award.
6. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent-claimants shall be free to proceed with the execution of the impugned award.
7. List after eight weeks.

(MUKESH RAJPUROHIT),J