

**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 Vyas

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

12/03/2026

1. The present matter comes up on an application (IA No. 01/2026) filed by the appellant seeking correction of the order dated 24.02.2026.
2. Heard learned counsel for the appellant.

3. Learned counsel for the appellant submits that the FIR was lodged by the real brother of the deceased stating that a *neel gai* suddenly came onto the road and, in an attempt to save the animal, the vehicle of the deceased lost balance, dashed against the divider and overturned, resulting in the death of Shravan Kumar. It is contended that the insured vehicle was not named in the FIR and was allegedly implicated after about 15 days of the incident. However, in the order dated 24.02.2026 it was inadvertently recorded that the deceased, along with other co-passengers travelling in the vehicle, was struck by the offending vehicle and that the FIR was lodged after a delay of 15 days.

4. It is further submitted that on 24.02.2026 this Court, after considering the aforesaid submissions, admitted the appeal, issued notice to the respondents and stayed the execution of the impugned award dated 29.08.2025 passed by the learned Judge, Industrial Tribunal and Labour Court-cum-Motor Accident Claims Tribunal, Jodhpur Metropolitan. However, due to a typographical error, a condition directing the appellant to deposit 50% of the awarded amount was inadvertently incorporated in the order, though, no such condition had been imposed by this Court. It is, therefore, prayed that the necessary corrections be made in the order dated 24.02.2026.

5. A perusal of the record reveals that the incident occurred on 20.03.2016 and the FIR was registered on 21.03.2016, while the vehicle in question was stated to have been implicated subsequently after 15 days. Further, upon verification from the

Court Master's result of the proceedings dated 24.02.2026, it appears that the award had been ordered to be stayed completely and the condition regarding deposit of 50% of the awarded amount was inadvertently incorporated while transcribing the order.

6. In view of the above, the application is allowed. The order dated 24.02.2026 stands modified and shall now be read as under:

"1. Learned counsel for the appellant submits that the accident occurred on 20.03.2016 and the FIR was lodged by the brother of the deceased on 21.03.2016. A perusal of the F.I.R. indicates that, in an attempt to save cattle on the road, the vehicle of the deceased lost balance, dashed against the divider and overturned. It is further submitted that the insured vehicle has been falsely implicated in the present case after a delay of 15 days with an ulterior motive to claim compensation.

2. The matter requires consideration.

3. Issue notice to the respondent(s), returnable within six weeks.

4. Meanwhile, the 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.

5. List after eight weeks."

7. This order shall be treated as part and parcel of the order dated 24.02.2026.

8. List the matter as per the earlier order.

(MUKESH RAJPUROHIT),J