

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No.946/2026

Reliance General Insurance Company Ltd.

----Appellant

Versus

Madhusudan Sharma S/o Shri Vishvamisra & Others

----Respondents

For Appellant(s)	:	Mr. Chanderdeep Singh Jodha
For Respondent(s)	:	Mr. Vinay Mathur with Mr. Ashish Mittal

JUSTICE ANOOP KUMAR DHAND

Order

26/02/2026

1. Learned counsel for the appellant submits that the involvement of the subject vehicle is highly doubtful as the alleged accident occurred on 02.12.2019, while a delayed FIR has been lodged after a year on 31.12.2020. Learned counsel submits that a plea has been taken by the claimants to justify the delay in lodging the FIR, that on account of spread of the COVID 19 Pandemic, the delay in lodging the FIR has been caused. Learned counsel submits that there was no spread of COVID 19 Pandemic in between December, 2019 and February, 2020, and that the COVID 19 Pandemic was spread in the month of March, 2020. He further submits that in the FIR, it has been mentioned that one Bhupendra Singh informed the investigating agency about the accident and disclosed the number of the offending vehicle, while the said Bhupendra Singh has not been examined by the Tribunal. But these facts have been overlooked by the Tribunal while passing impugned award.

2. *Per contra*, learned counsel appearing on behalf of the claimants opposed the arguments raised by learned counsel for the appellant and submitted that the accident has occurred at Karad in the State of Maharashtra in the month of December, 2019. The family members of the deceased took the body of the deceased from Karad, Maharashtra to Ajmer, Rajasthan to perform the necessary rituals and in the meantime, on account of declaration of lockdown due to spread of COVID 19 Pandemic, the claimants were not in a position to travel from Ajmer, Rajasthan to Karad, Maharashtra to lodge the FIR. Learned counsel submits that even when the notices under Sections 133 & 134 of the Motor Vehicles Act, 1988 were given to the driver and owner of the offending vehicle, they have admitted the factum of accident and after investigation, charge-sheet has been submitted against the driver of the offending vehicle. Hence, under these circumstances, the involvement of the subject vehicle has been established and the Tribunal has not committed any error in passing the impugned award.

3. Heard. The matter requires consideration.

4. Issue notice of the appeal as well as stay application to the respondent Nos.6 & 7. Rule is made returnable within a period of six weeks.

5. In the meantime, the effect and operation of the impugned award dated 06.11.2025 shall remain stayed, provided that the appellant-Insurance Company deposits the entire amount of compensation along with interest with the Tribunal within a period of four weeks from today.

6. The Tribunal is directed to disburse half of the compensation amount to the claimants in terms of the direction and condition of the impugned award, after taking their undertaking on record to the effect that they will return the amount, so received by them along-with interest @6%, in case, the present appeal, submitted by the Insurance Company, is allowed and the impugned award is set aside.
7. The Tribunal is further directed not to disburse the remaining half of the compensation amount to the claimants without seeking prior permission of the Court and the same shall be kept in FDR in any nationalized bank.
8. This order shall come into effect only after service upon the respondents.
9. Notices be given '*dasti*'.
10. The respondents shall be at liberty to move an appropriate application for vacation of this order after service.
11. Let a copy of this order be sent to the respondents along with notices.
12. The Tribunal is directed to send the record immediately after disbursing the amount to the claimants as directed above in the present order.
13. List this case along-with S.B. Civil Misc. Appeal No.537/2026.

(ANOOP KUMAR DHAND),J