

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 924/2026

Shriram General Insurance Company Limited

----Appellant

Versus

Jaykaran Sahu S/o Shri Jagdish Prasad and Anr.

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 506/2026

Jaikaran Sahu S/o Shree Jagdish Prasad

----Appellant

Versus

Mahesh Kumar S/o Shree Kamalchand and Anr.

----Respondents

For Appellant(s)	:	Ms. Supriya Saxena
For Respondent(s)	:	Mr. Prashant Tada

JUSTICE ANOOP KUMAR DHAND

Order

27/02/2026

In Civil Misc. Appeal No.924/2026

1. Counsel for the appellant-Insurance Company submits that the FIR was registered after the accident, wherein the registration number of the offending vehicle has not been mentioned. She further submits that the alleged offending vehicle has been seized after a delay of 77 days, which creates doubt over its involvement in the alleged accident. She further submits that though as per the disability certificate of the claimant, he has suffered 80% disability, but he has not suffered 80% of the disability of the whole body, however, all these facts have been overlooked by the Tribunal, while passing the impugned award.

2. *Per contra*, learned counsel appearing on behalf of the claimant opposed the arguments raised by counsel for the appellant-Insurance Company and submits that the injured has sustained several injuries on various parts of his body and he was unconscious after the alleged accident, so under these circumstances, he was not in a position to note the complete registration number of the offending vehicle. He told his son half of the registration number of the offending vehicle i.e., RJ14. Counsel submits that after recovery of the claimant from the injuries, his statements were recorded by the Police, wherein he has disclosed the complete registration number of the vehicle. He further submits that when the vehicle in question was seized, several dent marks due to the alleged accident were found on the said vehicle, hence, under these circumstances and considering the overall facts and circumstances of the case, the liability has been fastened upon the Insurance Company.

3. Heard. Matter requires consideration.

4. Issue notice of the appeal as well the stay application to the respondent No.2, returnable within six weeks.

5. In the meantime, the effect and operation of the impugned award dated 04.12.2025 shall remain stayed, provided 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 further directed to disburse half of the compensation amount to the claimant in terms of the award, after taking an undertaking from the claimant on record to the effect

that he will return the amount, so received by him, 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 amount of compensation to the claimant and the same shall be kept in FDR in any nationalized bank.

8. This order shall come into effect only after service of notice upon the respondent.

9. Notice be given 'dasti'.

10. The Tribunal is directed to send the record to this Court immediately, after disbursement of the amount to the claimant, as directed by this Court.

11. The respondents would be at liberty to move an application for vacation of this order after service.

12. Let a copy of this order be sent to the respondents along with notices.

In S.B. Civil Misc. Appeal No.506/2026

List along with S.B. Civil Misc. Appeal No.924/2026.

(ANOOP KUMAR DHAND),J