

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 440/2022

Subodh Kumawat S/o Shri Pramod Kumawat, Aged About 38 Years, R/o Bandanbara, Police Station Bhinay, District Ajmer (Owner Of Vehicle)
(Owner Of Vehicle Truck Bearing No. RJ-01-GA-3162).

----Appellant/Defendant

Versus

1.

Smt. Prem Devi W/o Shri Biram Singh, Aged About 43 Years
2.

Sonu Rawat D/o Late Shri Biram Singh, Aged About 18 Years
3.

Ma. Balbeer Singh Rawat D/o Late Shri Biram Singh Rawat, Aged About 16 Years
4.

Ma. Lakhan Singh Rawat S/o Late Shri Biram Singh Rawat, Aged About 14 Years
- All are R/o Village Jatiya, Police Station Nasirabad Sadar, District Ajmer (Raj.)

----Claimants-Respondents

5.

Budhasingh S/o Shri Balusingh, Aged About 60 Years, All are R/o Devriya (Divliya), Police Station Bhinay, Vaya Bandanwada, District Ajmer **(Driver Of Truck Bearing No. RJ-01-GA-3162).**

----Respondent-Defendant

For Appellant(s)	:	Ms. Pankaj Solanki, Adv. for Mr. Arvind Sharma, Adv.
For Respondent(s)	:	Mr. G.K. Sharma, Adv. Mr. Ankur Nagar, Adv. for Mr. S.Gaharana, Adv. (for respondent Nos.1 to 4)

HON'BLE MR. JUSTICE ASHUTOSH KUMAR**Order****10/12/2025**

1. The present civil miscellaneous appeal has been filed by the appellant against the judgment and award dated 15.11.2021 passed by learned Motor Accident Claims Tribunal, Ajmer (hereinafter referred to as the learned 'Tribunal') in Claim Case No.194/2019, whereby, the claim petition has been partly allowed and an award of Rs.9,50,170/- along with the interest @ 9% per annum has been passed in favour of the claimants-respondents.
2. Learned counsel appearing on behalf of appellant prays that the effect and operation of the impugned judgment and award dated 15.11.2021 passed by the learned Tribunal be stayed till the pendency of the appeal.
3. The matter requires consideration.
4. Issue notice to respondent No.5 by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks. Requisites be filed within one week.
5. The appellant is directed to deposit 50% of the decretal amount along with the interest as awarded vide impugned judgment and award dated 15.11.2021 with the learned Motor Accident Claims Tribunal, Ajmer, within a period of four weeks from today.
6. If the aforesaid amount is deposited by the appellant within the stipulated period, then the effect and operation of the impugned judgment and award dated 15.11.2021 passed by learned Motor Accident Claims Tribunal, Ajmer shall remain stayed, till further orders of this Court.

7. On depositing the said amount by the appellant, the learned Tribunal is directed to disburse the amount so deposited, amongst the claimants-respondents in terms of the award on an undertaking by the claimants-respondents that in case, appeal of the appellant-Insurance Company succeeds, the claimants shall repay the amount, so received, along with interest @ 6% per annum.

8. List this case after six weeks.

(ASHUTOSH KUMAR),J