

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 793/2026

Cholamandalam Insurance Company Ltd.

----Appellant

Versus

Smt. Gulab Devi and Ors.

----Respondents

For Appellant(s) : Mr. Virendra Agrawal with
Ms. Anjali Assat

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

23/02/2026

1. Counsel for the appellant–Insurance Company submits that the FIR regarding the alleged accident was registered after a delay of two days, whereas the *rapat roznamcha* was lodged by the concerned police station on the same day of the accident wherein the number of the offending vehicle was not mentioned. Counsel further submits that there are several contradictions in the statements of the eye-witness, however, these contradictions with regard to the non-involvement of the vehicle in the alleged incident have not been appreciated by the Tribunal.
2. Heard. The matter requires consideration.
3. Issue notice of the appeal as well as stay application to the respondents. Rule is made returnable by six weeks.
4. In the meantime, the effect and operation of the impugned award dated 01.11.2025 shall remain stayed, provided the appellant-Insurance Company deposits the entire amount of the

compensation along with interest with the Tribunal, within a period of four weeks from today.

5. The Tribunal is directed to disburse 50% of the compensation amount to the claimants in terms of the direction and condition of impugned award, after taking their undertaking on record to the effect that they will return the amount so received by them along with @ 6% interest, in case, the present appeal, submitted by the appellant-Insurance Company, is allowed and the impugned award is set aside.

6. The Tribunal is further directed not to disburse the remaining 50% of the compensation amount to the claimants and the same shall be kept in FDR in any nationalized bank.

7. This order shall come into effect only after service upon the respondents.

8. Notices be given '*dasti*'.

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

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

11. The Tribunal is directed to send the record immediately after disbursing the amount to the claimants as directed above in the present order.

(ANOOP KUMAR DHAND),J