

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No.945/2026

Royal Sundaram Insurance Company Ltd.

----Appellant

Versus

Manju Devi W/o Late Laxminarayan Bairwa & Others

----Respondents

For Appellant(s) : Mr. Chanderdeep Singh Jodha

JUSTICE ANOOP KUMAR DHAND

Order

26/02/2026

1. Learned counsel for the appellant submits that when the accident occurred, the report was lodged in *rapat rojnamcha*, wherein involvement of a Dumper-vehicle was mentioned, whereas in the FIR, a new fact has been introduced by the claimants that the accident of the motorcycle was caused by a tractor. Learned counsel submits that the deceased was travelling as a pillion rider on the backside of the motorcycle and as per the alleged story created by the claimants, the offending vehicle, i.e. the tractor, struck the motorcycle from the back. Therefore, it was not possible for the eye witness to see the number of the tractor, hence, under these circumstances, involvement of the tractor, i.e. the subject vehicle is, doubtful. However, all these facts have not been considered by the Tribunal while passing the impugned award dated 29.10.2025.

2. Heard. The matter requires consideration.

3. Issue notice of the appeal as well as stay application to the respondents. Rule is made returnable within a period of six weeks.

4. In the meantime, the effect and operation of the impugned award dated 29.10.2025 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.
5. 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, in case, the present appeal, submitted by the Insurance Company, is allowed and the impugned award is set aside.
6. 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.
7. This order shall come into effect only after service upon the respondents.
8. Notices be given '*dasti*'.
9. The respondents shall 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