

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 4077/2015

Reliance General Insurance Company Ltd. having its Regional office at Maker Tower Queens Road, Vaishali Nagar, Jaipur through its Constituent Attorney

----Non Claimant/Appellant

Versus

1. Smt Asubi W/o Late Shri Aslamdeen, aged about 28 years,
2. Rukkya D/o Late Shri Aslamdeen, aged about 11 years,
3. Ajruddin S/o Late Shri Aslamdeen, aged about 08 years,
4. Mansuba D/o Late Shri Aslamdeen, aged about 07 years,
5. Fajal Hussain S/o Late Shri Aslamdeen, aged about 5 years,
6. Aas Mohammad S/o Late Shri Badul, aged about 57 years,
7. Bashiri W/o Aasmohammad, aged about 53 years,
All R/o. Vill. Bibipur, Teh. Tijara, Distt. Alwar,
Claimants-respondent No.2 to 5 are being minor through their natural guardian and mother Smt. Asubi

----Claimants/Respondents

8. Ratanlal S/o Sukhram Jatav, R/o Vill. Khanpur, Police Station Kishangarhbas, District Alwar (Driver of Vehicle No. RJ-02-G-6870)
9. Satishchand Gupta S/o Shri Shriram, Gupta, R/o Adarsh Colony, Police Station Kishangarhbas, District Alwar (Owner of Vehicle No. RJ-02-G-6870)

---Non-Claimants/Respondents

For Appellant(s)	:	Mr. Virendra Agrawal
For Respondent(s)	:	Ms. Swati Sharma

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

05/05/2026

1. Matter comes up on an application (I.A No.1/2026) filed by the appellant-Insurance Company for seeking permission to withdraw this appeal with liberty to restore the same if necessity so arises.

2. As per the brief facts of the case, claimant-respondent Nos. 1 to 7 filed a claim petition bearing Claim Petition No.39/2012 before learned Motor Accidents Claim Tribunal, Alwar (hereinafter referred to as learned 'Tribunal'), for getting compensation due to death of one Aslamdeep. Vide order dated 26.08.2015 passed by learned Tribunal, the claim petition was allowed and an award of Rs. 18,57,000/- along with interest @ 7.5% per annum was passed in favour of respondent-claimants. Learned Tribunal while deciding the negligence on the part of driver and owner of the offending vehicle (hereinafter referred to as 'respondent Nos. 8 and 9') held that there was breach of Insurance policy on their part, therefore, learned tribunal ordered that the appellant-Insurance Company will pay the award to respondents-claimants and thereby, the appellant-Insurance Company have the liberty to recover the same from respondent Nos. 8 and 9.

3. Learned counsel for the appellant-Insurance Company submits that S.B. Civil Miscellaneous Appeal No.4041/2015 was filed by the owner and driver of the offending vehicle and vide order dated 15.12.2023 passed by Coordinate Bench of this Court, the same was dismissed due to non-prosecution. Learned counsel further submits that another S.B. Civil Miscellaneous Appeal No. 395/2016 was filed by claimants-respondents for enhancement of the claim and vide order 21.08.2023 passed by this Court, the same was dismissed in default.

4. Therefore, learned counsel for the appellant-Insurance Company seeks permission of this Court to withdraw this appeal, with liberty to restore the same, if any of the appeal filed either by

claimants or by owner and driver of the offending vehicle is restored in future.

5. In support of his submissions, learned counsel has also placed on record copy of orders of dismissal with respect to Appeal Nos.395/2016 and 4041/2015.

6. In that view of the matter, the application (I.A No.1/2026) is allowed and thereby, this appeal is dismissed as withdrawn with liberty to the appellant-Insurance Company to restore the same, if either of the appeals filed by claimants or owner/driver is restored to its original number in future.

7. Pending application(s), if any, also stands disposed of.

(ASHUTOSH KUMAR),J