

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1419/2026

Chola Mandalam MS General Insurance Company Ltd., Through Regional Manager, Address E-52, A.R.G. Tower, Chitrangan Marg, C-Scheme, Jaipur, Rajasthan Having Its Office At Unit No. 704-708, Signature Tower, District Shopping Centre, Lalkothi, Tonk Road, Jaipur- 302015 Through Its Constituted Attorney. (Insurance Company Of Vehicle Maxi Cab No. MP-04-TA-8411).

----Non-Claimant/Appellant

Versus

1. Sudheer Jain S/o Shri Santosh Kumar Jain, Aged About 47 Years, R/o Bahubali Basti, Moti Nagar Ward, Sagar, District Sagar (Madhyapradesh).

----Claimant/Respondent

2. Laxman Singh @ Mahendra S/o Shri Rakesh Kumar, Aged About 33 Years, R/o Hirnai Post Khari, Police Station Civil Lines, District Vidisha (Madhyapradesh). (Driver Of Vehicle Maxi Cab No. MP-04-TA-8411).

3. Anil Kumar Jain S/o Shri Guljari Lal, Aged About 59 Years, R/o C/o Sumatchand Jain, C-170, N.M.R. Minal Residency, Phase-4, Tehsil Hujur, District Bhopal (Madhyapradesh) Presently Address Pathari, Police Station Pathari, District Vidisha (Madhyapradesh). (Registered Owner Of Vehicle Maxi Cab No. MP-04-TA-8411).

----Non-claimants/Respondents

For Appellant(s) : Mr. Rohit Jain, Legal Officer (present in person)

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

02/05/2026

1. Today, Mr. Rohit Jain-Legal Officer is personally present before this Court and submits that admittedly, the seating capacity of the offending vehicle is only 12 persons including the driver, however, at the time of alleged accident, 17 persons were

travelling in the offending vehicle. He further submits that the insurance company has satisfied the award to the extent of 12 claimants, which was higher in amount, therefore, the insurance company is not liable to satisfy the award with respect to the remaining claimants who were also travelling in the offending vehicle, which was beyond its seating capacity. He prays that effect and operation of the impugned judgment and award dated 05.12.2025 passed by learned Motor Accident Claims Tribunal (Special Court, Communal Riot Cases), Jaipur Metropolitan-I, Jaipur in M.A.C. No.598/2018 may be stayed, till pendency of the appeal.

2. Heard.

3. Issue notice to the respondents by both modes i.e. by ordinary course as well as by registered post, returnable within six weeks. Requisites be filed within one week.

4. Record of the Court below be summoned.

5. Till the next date of hearing, effect and operation of the impugned judgment and award dated 05.12.2025 passed by learned Motor Accident Claims Tribunal (Special Court, Communal Riot Cases), Jaipur Metropolitan-I, Jaipur in M.A.C. No.598/2018 shall remain stayed.

(ASHUTOSH KUMAR),J