


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 1578/2026

Cholamandalam Ms General Insurance Company Ltd., Through Division Manager, Division Office, Office No. 23, JDA Market Link Road, Jaipur (Raj.) Having Its Office At Unit No. 704-708, Signature Tower, District Shopping Centre, Lalkothi, Tonk Road, Jaipur-302015 Through Its Constituted Attorney.

---- Non Claimant/Appellant

Versus

1. Smt. Madhu Kanwar W/o Late Shri Jaipal Singh, Aged About 45 Years,
2. Yashika Gaud D/o Late Shri Jaipal Singh, Aged About 25 Years,
3. Yuvraj Singh Gaud S/o Late Shri Jaipal Singh, Aged About 13 Years, Being Minor Through Her Natural Guardian And Mother Claimant No. 1.

All R/o Mahaveer Colony, Sawatsar, Kishangarh, District Ajmer. Presently R/o Pratapnagar, Lohakhan, District Ajmer (Raj.)

----Claimants/Respondents

4. Ranglal Meena S/o Shri Ramkishan Meena, R/o Dausa Khurd, Tehsil Dausa, District Dausa (Raj.) (Driver Of Truck No. Rj-02-Ga-3856)
5. Girraj Prasad Yogi S/o Shri Jagdish Prasad Joshi, R/o Village Post Thikariya, Tehsil Dausa, District Dausa (Raj.). (Owner Of Vehicle)

----Non Claimants/Respondents

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

For Respondent(s) :

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

13/04/2026

1. Heard on stay application No. 1654/2026.

2. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award dated 17.01.2026 passed by learned Motor Accident Claims Tribunal, Ajmer (hereinafter referred to as the learned 'Tribunal') in Claim Case No. 32/2024, whereby, the claim petition has been allowed and an award of Rs.32,35,850/- along with the interest of 6% per annum has been passed in favour of the claimant-respondent.
3. Learned counsel appearing on behalf of the appellant-Insurance Company submits that the effect and operation of the impugned judgment and award dated 17.01.2026 passed by the learned Tribunal be stayed till the pendency of the appeal.
4. The matter requires consideration.
5. Issue notice to the respondents by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks. Requisites be filed within one week.
6. The appellant-Insurance Company is directed to deposit the the entire decretal amount along with the interest as awarded vide impugned judgment and award dated 17.01.2026 with the learned Motor Accident Claims Tribunal, Ajmer within a period of four weeks from today.
7. If the amount is deposited by the appellant-Insurance Company within the stipulated period, then the effect and operation of the impugned judgment and award dated 17.01.2026, passed by the learned Motor Accident Claims Tribunal, Ajmer in Claim Case No. 32/2024 shall remain stayed, till further orders of this Court.

8. On depositing the said amount by the appellant – Insurance Company, the learned Tribunal is directed to disburse 50% of the amount, so deposited, amongst the claimant-respondent in terms of the award on an undertaking by the claimant-respondent that in case, appeal of the appellant - Insurance Company succeeds, the claimant-respondent shall repay the amount, so received, along with interest @ 6% per annum. Remaining 50% of the amount shall be kept in F.D.R. initially, for a period of one year in the Nationalized Bank, which would be renewed from time to time and this amount shall not be disbursed without further order of this Court.

9. Accordingly, stay application No. 1654/2026 stands disposed of.

10. List this case after six weeks.

11. In the meantime, record of the Court below be summoned.

(ASHUTOSH KUMAR),J