

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

S.B. Civil Miscellaneous Appeal No. 1750/2019

Shriram General Insurance Co. Ltd, Through Regional Manager,
Regional Office E-8, Epip, Riico Industrial Area, Sitapura, Jaipur,
Rajasthan - 302022.

----Appellant

Versus

1. Motilal Gurjar S/o Shri Moolchand Gurjar, Aged About 50 Years, R/o Aamli Khakda, Police Station Diggi, Nukkad, District Tonk. Presently Residing At Laxman Haritwal Ka Makaan, Gaon Rampura, Jaipur.
2. Babulal Gurjar S/o Shri Bhojaram Gurjar, R/o 51, Gurjaron Ka Mohalla, Gaon Dotana, Police Station Baroni, District Jaipur. (Driver And Registered Owner Of Vehicle Truck No Rj 32-G-0623)

----Respondents

For Appellant(s)	:	Mr. Rameshwar Prasad Vijay, Adv.,
For Respondent(s)	:	Ms. Radhika Mehrawat, Adv., for Mr. Kunal Kant Rawat, Adv.,

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

16/08/2022

Matter comes up on application No.1/2020 filed by the claimant-respondent for vacation of ex parte stay order dated 29.05.2019 passed by this Court, by which disbursement of the compensation amount to the claimant-respondent was stayed subject to deposition of entire amount of compensation with the Tribunal.

Counsel for the claimant-respondent submits that after the accident, the claimant-injured is facing financial crisis and he has not received a single penny of compensation. Counsel submits

that appropriate orders may kindly be passed for disbursement of the amount.

Per contra, learned counsel for the appellant-Insurance Company opposed the submissions made by counsel for the applicant-respondent.

Heard the rival contentions of both parties and perused the record.

It is not in dispute that the accident occurred on 04.05.2012 and in spite of passing of more than ten years, the claimant-respondent has not received a single penny of compensation.

Hence, the application filed by the claimant-respondent is partly allowed with a direction to the Tribunal to disburse 50% amount of award to the claimant-respondent after taking an undertaking from the claimant-respondent that he would refund the entire received amount with interest at the rate of 6% per annum, in case the appeal is decided against him.

The Tribunal is directed to deposit the rest of 50% amount in FDRs in any nationalised bank till disposal of this appeal.

Stay application and the instant application stand disposed of.

The Tribunal is directed to complete the necessary exercise within a period of two months from the date of receipt of certified copy of this order and after doing the needful, the record be sent back to this Court.

Office is directed to list the matter immediately after receipt of the record.

(ANOOP KUMAR DHAND),J