

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

S.B. Civil Miscellaneous Appeal No. 1108/2021

1. Dinesh Kumar Sain Son Of Satyanarayan, Resident Of Village Gurayata, P.s. Sangod, District Kota (Raj.) (Driver Of Vehicle Tractor No. Rj-33-Ra-1929)
2. Devkinanadan Son Of Satyanarayan, Resident Of Bapawar Road, Sangod, P.s. Sangod, District Kota (Raj.) (Owner Of Vehicle Tractor No. Rj-33-Ra-1929)

----Appellants

Versus

1. Mangilal Bairwa Son Of Ghansilal, Resident Of Village Jogra, Tehsil Sangod, P.s. Sangod, District Kota (Raj.)
2. Santosh Bai Wife Of Mangilal, Aged About 50 Years, Resident Of Village Jogra, Tehsil Sangod, P.s. Sangod, District Kota (Raj.)
3. Om Prakash Son Of Mangilal, Aged About 20 Years, Resident Of Village Jogra, Tehsil Sangod, P.s. Sangod, District Kota (Raj.)
4. The Oriental Insurance Company Limited, Jhalawar Road, Kota (Raj.) (Insurance From 01.11.2017 To 31.10.2018) (Insurer Of Vehicle Tractor No. Rj-33-Ra-1929)

----Respondents

For Appellant(s) : Mr.Naseemuddin Qazi, Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

13/08/2021

Learned counsel for the appellants submitted that the Tribunal has absolved the Insurance Company without any justification and the deceased was not a gratuitous passenger as has been held by the Tribunal.

Learned counsel submitted that the Tribunal has fastened the entire liability on the present appellants in spite of valid Insurance Policy invogue at the time of accident.

Issue notice of the appeal as well as stay application, returnable on 13.09.2021. Notices be given 'dasti', if prayed.

In the meanwhile, if the appellants deposit Rs.5,00,000/- with Motor Accident Claims Tribunal No.2, Kota within a period of six weeks then further Execution proceedings shall remain stayed before the Tribunal.

This Court also directs that on depositing the said amount of Rs.5,00,000/-, the Motor Accident Claims Tribunal No.2, Kota will disburse the said amount to the respondents-claimants after taking an undertaking that in case the appeal filed by the appellants is allowed, the payment, so made to them, shall be subject to final outcome of the appeal.

(ASHOK KUMAR GAUR),J

Ramesh Vaishnav /86/Monika