

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

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

Dinesh Kumar Sain Son Of Satyanarayan

----Appellant

Versus

Mangilal Bairwa Son Of Ghansilal

----Respondent

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

For Respondent(s) : Mr. Rakesh Chandel, Adv. for Mr. Raaj
Pal Chaudhary, Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

01/07/2022

Matter comes up on misc. application (1/2022) filed by the appellants-non-claimants for extension of time for depositing the amount of Rs.5 lakhs as was directed by this Court on 13.08.2021.

Learned counsel for the appellants submitted that the appellants have preferred this appeal against award dated 25.02.2021, passed by the Motor Accident Claims Tribunal, No.2, Kota (hereinafter referred to as 'the Tribunal'), wherein, Rs.9,86,168/- was awarded in favor of the claimants.

Learned counsel for the appellants submitted that this Court on 13.08.2021, had stayed the execution proceedings on the condition of appellants depositing Rs.5 lakhs before the Tribunal within a period of six weeks.

Learned counsel for the appellants submitted that unfortunately the appellants could not arrange the said amount of Rs.5 lakhs as there was a flood in Sangod, District Kota and the

appellants suffered a huge loss due to flood, as such, they could not deposit the amount within the stipulated time, however, on 23.02.2022, the appellants produced a demand draft before the Tribunal and requested to accept the same.

Learned counsel for the appellants submitted that the application so filed by the appellants along with demand draft has not been taken on record by the court below while passing the order dated 02.05.2022.

Learned counsel for the appellants submitted that this Court may be pleased to extend the time for depositing amount of Rs.5 lakhs and suitable direction may be given to stay the execution proceedings.

This Court, though had granted six weeks time to the counsel for the appellants to deposit Rs.5 lakhs before the Tribunal, however, the reasons stated by the appellants in the application, make out a case for extension of time, and as such, demand draft of Rs.5 lakhs dated 23.02.2022 may be accepted by the Motor Accident Claims Tribunal.

The said amount of Rs. 5 lakhs may be disbursed to the parents of the deceased/claimants in equal ratio after taking an undertaking that the payment, so made to them, shall be subject to final outcome of the appeal.

On disbursement of the said amount, the further proceedings shall remain stayed.

Accordingly, the application (1/2022) stands disposed of.

(ASHOK KUMAR GAUR),J