

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1811/2026

URN: CMA / 3285U / 2026

Oriental Insurance Company Limited, Regional Manager Having Its Regional Office At 9Th And 10Th Floor, Nbcc Centre, Sahkar Marg, Beema Bhawan, Jaipur- 302015 Through Its Constituent Attorney Policy Valid From 23.12.2019 To 22.12.2020 (Insurance Company Of Vehicle Truck/ Trailer No. Rj 02 Gb 5690).

----Non Claimant/Appellant

Versus

1. Sarameena W/o Mohammad Hussain, Aged About 39 Years, Deceased.
2. Apsana D/o Mohammad Hussain, Aged About 16 Years,
3. Jilsana D/o Mohammad Hussain, Aged About 15 Years,
4. Haseen S/o Mohammad Hussain, Aged About 14 Years,
5. Kalam S/o Mohammad Hussain, Aged About 13 Years,
6. Kaifa D/o Mohammad Hussain, Aged About 11 Years,
7. Naima D/o Mohammad Hussain, Aged About 10 Years,
8. Arman S/o Mohammad Hussain, Aged About 7 Years,
9. Mrs. Maimuna W/o Hurmat, Aged About 76 Years, Age Approximately 76 Years, Mother Of Deceased, All Resident Of Alapur Meo, Tehsil Tijara, District Alwar, Rajasthan.

----Claimants/Respondents

10. Irfan Khan S/o Razak Khan, Aged About 24 Years, Resident Of Dhandholi, Tehsil Nagar, District Bharatpur (Rajasthan). (Driver Of Vehicle Truck/ Trailer No. Rj 02 Gb 5690)
11. Aslam S/o Rustum, Aged About 32 Years, Resident Of Jajor, Police Station Sadar, District Alwar, Rajasthan. (Owner Of Vehicle Truck/ Trailer No. Rj 02 Gb 5690)

----Non Claimants/Respondents

For Appellant(s) : Mr. Virendra Saraswat

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

09/07/2026

1. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award dated 13.01.2026 passed by learned Motor Accident Claims Tribunal (Additional District and Sessions Judge No.1) Tijara, District Khairthal Tijara (hereinafter referred to as the learned 'Tribunal') in Claim Case No.24/2020, whereby, the claim petition has been partly allowed and an award of Rs.15,26,096/- along with the interest @ 7.5% per annum has been passed in favour of the claimant(s)-respondent(s).
2. Learned counsel for the appellant-Insurance Company submits that in this matter the owner of the vehicle paid the amount of premium for the insurance policy of the offending vehicle by way of cheque and the same was subsequently dishonoured. After the cheque being dishonoured, the appellant-Insurance Company issued a notice to the owner of the vehicle for cancellation of insurance policy within prescribed time and after almost about 8 months of cancellation of insurance policy the accident in this matter occurred, therefore, the appellant-Insurance Company is not liable to pay any compensation.
3. The matter requires consideration.

4. In that view of the matter, issue notice to the respondents by both modes i.e., by ordinary process as well as by registered post, returnable within eight weeks. Requisites be filed within one week.
5. Heard on stay application No. 1905/2026.
6. Learned counsel appearing on behalf of the appellant-Insurance Company prays that the effect and operation of the impugned judgment and award dated 13.01.2026 passed by the learned Tribunal be stayed, till the pendency of the appeal.
7. The appellant-Insurance Company is directed to deposit the entire decretal amount, excluding the amount already deposited, if any, along with the interest as awarded vide impugned judgment and award dated 13.01.2026 with the learned Motor Accident Claims Tribunal (Additional District and Sessions Judge No.1) Tijara, District Khairthal Tijara within a period of four weeks from today.
8. If the said amount is deposited by the appellant-Insurance Company within the stipulated period, then the effect and operation of the impugned judgment and award dated 13.01.2026 passed by learned Motor Accident Claims Tribunal (Additional District and Sessions Judge No.1) Tijara, District Khairthal Tijara in Claim Case No.24/2020 shall remain stayed, till further orders of this Court. The amount so deposited by the appellant shall be kept in F.D.R. initially for a period of one year in a Nationalized Bank, which would be renewed from time to time and this amount shall not be disbursed without further order of this Court.

9. After service of notice, the claimant(s)-respondent(s) shall be at liberty to file an application for disbursement of the amount so deposited by the appellant-Insurance Company.
10. Accordingly, Stay Application No. 1905/2026 stands disposed of.
11. List the matter after eight weeks.
12. In the meanwhile, record of the Court below be summoned.

(ASHUTOSH KUMAR),J

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