

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2170/2026

Oriental Insurance Company Limited, Through Manager, Office-
Nbcc Building, 9Th And 10Th Floor, Sahakar Marg, Jaipur.

-----Insurance Company Of Trailer No.
Rj19-Ge-5210 Policy No. 242202/31/2022/1791 Valid From
14.08.2021 To 13.08.2022

-----Non Claimant No.2/Appellant

Versus

1. Smt. Mamta Kumari Yadav W/o Late Surendra Kumar Yadav, Aged About 28 Years, R/o Dhani Dahra Wali, Village Hanutpura, Tehsil Shahpura, District Jaipur (Raj.).
2. Akshita Yadav D/o Late Surendra Kumar Yadav, Aged About 6 Years, Minor Represented Through Natural Guardian Mother Smt. Mamta Kumari Yadav W/o Late Surendra Kumar Yadav. R/o Dhani Dahra Wali, Village Hanutpura, Tehsil Shahpura, District Jaipur (Raj.).
3. Deshraj Yadav S/o Late Surendra Kumar Yadav, Aged About 5 Years, Minor Represented Through Natural Guardian Mother Smt. Mamta Kumari Yadav W/o Late Surendra Kumar Yadav. R/o Dhani Dahra Wali, Village Hanutpura, Tehsil Shahpura, District Jaipur (Raj.).
4. Khushi Yadav D/o Late Surendra Kumar Yadav, Aged About 4 Years, Minor Represented Through Natural Guardian Mother Smt. Mamta Kumari Yadav W/o Late Surendra Kumar Yadav. R/o Dhani Dahra Wali, Village Hanutpura, Tehsil Shahpura, District Jaipur (Raj.).
5. Dhunilal S/o Late Baluram, Aged About 69 Years, R/o Dhani Dahra Wali, Village Hanutpura, Tehsil Shahpura, District Jaipur (Raj.).
6. Smt. Rameshwari Devi W/o Shri Dhunilal, Aged About 69 Years, R/o Dhani Dahra Wali, Village Hanutpura, Tehsil Shahpura, District Jaipur (Raj.).

---Claimants/Respondents

7. Panchuram S/o Shri Ganeshram, R/o Sonu Ki Dhani, Nituti, Tehsil Kishangarh, District Ajmer- 305814 (Raj.). Driver And Registered Owner Of Trailer No. Rj19-Ge-5210

----- Non Claimant No.1/Respondent

For Appellant(s) : Mr. Sandeep Jain
For Respondent(s) : -

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

04/05/2026

1. Heard on stay application No.2154/2026.
2. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award dated 28.01.2026 passed by learned Motor Accident Claims Tribunal (Additional District and Session Judge No.1), Shahpura, Jaipur, District Jaipur (hereinafter referred to as the learned 'Tribunal') in Claim Case No. 56/2022, whereby, the claim petition has been partly allowed and an award of Rs.1,22,03,487/- along with the interest @ 6% per annum has been passed in favour of the claimants-respondents.
3. Learned counsel appearing on behalf of appellant-Insurance Company prays that the effect and operation of the impugned judgment and award dated 28.01.2026 passed by the learned Tribunal be stayed, till pendency of the appeal.
4. The matter requires consideration.
5. Issue notice to 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.
6. 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 the impugned

judgment and award dated 28.01.2026, with learned Motor Accident Claims Tribunal (Additional District and Session Judge No.1), Shahpura, Jaipur, District Jaipur within a period of six weeks from today.

7. If the amount is so deposited by the appellant-Insurance Company within the stipulated period, then the effect and operation of the impugned judgment and award dated 28.01.2026 passed by passed by learned tribunal shall remain stayed, till pendency of the appeal.

8. On depositing the said amount by the appellant-Insurance Company, the learned Tribunal is directed to disburse 40% of the amount, so deposited, in favour of the claimants-respondents in terms of the award on an undertaking by the claimants-respondents that in case, appeal of the appellant-Insurance Company succeeds, the claimants-respondents shall repay the amount, so received, along with interest @ 6% per annum. Remaining 60% of the award 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.2154/2026 stands disposed of.

10. List the matter after eight weeks.

(ASHUTOSH KUMAR),J