

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2158/2026

SBI General Insurance Company Ltd., Through Manager, Office At Infront Of Bmw Car Showroom, Near Khandaka Hospital, P.s. Jyoti Nagar, Tonk Road, Jaipur And Having Its Current Regional Office At- 2Nd Floor, Pavilion (Opposite To Sms Stadium) Tonk Road, Bapu Nagar, Jaipur- 302015. Through Its Constituent Attorney.

(Policy No. Popm2W00100068529)

(Insurance Period Dated 10-02-2021 To 09-02-2022)

(Insurance Company Vehicle Motorcycle No. Rj-32-Sc-5587)

----Non Claimant/Appellant

Versus

1. Jagdish Prasad Yadav S/o Shri Gobharam Yadav, Aged About 63 Years, (Father Of Deceased)

2. Smt. Sharda Devi W/o Jagdish Prasad Yadav, Aged About 57 Years, (Mother Of Deceased)

All R/o Dhanni Khariya, Village Post- Sujaatnagar, Bhainslana, Tehsil- Kotputli, District- Jaipur- Rajasthan.

---Claimants/Respondents

3. Goverdhan Lal Sharma S/o Shri Banshidhar Sharma, R/o Bichpadi, Post- Nangal Ladi, Tehsil- Amer, District- Jaipur. (Driver Vehicle Motor Cycle No. Rj-32-Sc-5587)

4. Mahesh Chand Yadav S/o Shri Jagdish Prasad, R/o Dhanni Khariya, Village Post- Sujaatnagar, Bhainslana, Tehsil- Kotputli, District- Jaipur- Rajasthan.

(Registered Owner Of Vehicle Motor Cycle No. Rj-32-Sc-5587)

----Non Claimants/Respondents

For Appellant(s) : Mr. Chanderdeep Singh Jodha

For Respondent(s) : -

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

04/05/2026

1. Heard on stay application No. 2147/2026.

2. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award dated 23.02.2026 passed by learned Rajasthan State Co-operative Tribunal and Motor Accident Claims Tribunal, Jaipur Metropolitan-I, District Jaipur (hereinafter referred to as the learned 'Tribunal') in M.A.C. No.100/2023, whereby, the claim petition has been partly allowed and an award of Rs.75,85,100/- along with the interest @ 6% per annum has been passed in favour of the claimant-respondent.

3. Learned counsel appearing on behalf of the appellant-Insurance Company submits that in this matter the FIR has been lodged after a delay of six days from the date of alleged incident. Learned counsel contends that as per the FIR, it is mentioned that Govardhan was driving the motorcycle and the deceased Umesh was the pillion rider however, as per the *Rojnamcha* report, which was lodged at time of the incident, it is mentioned that when police officials reached the place of occurrence, they found that the deceased Umesh was himself riding the motorcycle and Govardhan was pillion rider, therefore, the deceased Umesh was not entitled to claim compensation under Section 166 of MV Act. Learned counsel further prays that the effect and operation of the impugned judgment and award dated 23.02.2026 passed by the learned Tribunal be stayed, till the pendency of the appeal.

4. The matter requires consideration.

5. Issue notice to all 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.

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 impugned judgment and award dated 23.02.2026 passed by learned Rajasthan State Co-operative Tribunal and Motor Accident Claims Tribunal, Jaipur Metropolitan-I, District Jaipur within a period of four weeks from today.

7. 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 23.02.2026 passed by learned Tribunal shall remain stayed, till further orders of this Court. The amount so deposited by the appellant-Insurance Company 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.

8. After service of notice, the claimants-respondents shall be at liberty to file an application for disbursement of the amount so deposited by the appellant-Insurance Company.

9. Accordingly, stay application No.2147/2026 stands disposed of.

10. List the matter after eight weeks.

11. In the meanwhile, record of the Court below be summoned.

(ASHUTOSH KUMAR),J