

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2169/2026

The New India Insurance Company Limited, Through Manager
Office Sahara Chamber, Tonk Road, Jaipur.

(Insurance Company Vehicle Truck Registration No. HR-38-S-7761)

(Validity Period Dated 23.05.2021 To 22.05.2022 Policy, Cover
Note No. 33180131210100000300)

----Appellant/Non-claimant No.3

Versus

1. Smt. Sita Devi Gurjar Dharampatni Late Sh. Mukesh Gurjar, Aged About 31 Years
2. Lucky S/o Late Sh. Mukesh Gurjar, Aged About 9 Years
3. Shubham S/o Late Sh. Mukesh Gurjar, Aged About 7 Years,
Respondents No.2 & 3 minor through natural guardian
Mother Smt. Sita Devi Gurjar W/o Late Sh. Mukesh Gurjar.
4. Bheevaram Gurjar S/o Sh. Prabhat Gurjar, Aged About 71 Years
5. Bhanwari Devi W/o Sh. Bheevaram Gurjar, Aged About 69 Years
All Resident Of Khaharda Ki Dhani, Bahlod, Tehsil
Jamvaramgarh, Police Thana Raisar, District Jaipur
(Rajasthan).

----Respondents/Claimants

6. Braham Prakash S/o Sh. Hariom Yadav, Resident Of
Sahma, Via Naarnaul, District Mahendragarh (Haryana).
(At The Time Of Accident Vehicle Driver Truck Registration
No. HR-38-S-7761)
7. Manoj Kumar S/o Sh. Dayaram, Aged About 41 Years,
Resident Of Village Gurjarvas, Via Atelimandi, District
Mahendragarh (Haryana). (At The Time Of Accident
Vehicle Owner Truck Registration No. Hr-38-S-7761)

----Respondent/Non-claimant No.1 & 2

For Appellant(s) : Mr. V.P. Mathur, Adv.

For Respondent(s) : Mr. Vinod Tyagi, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

05/05/2026

1. Matter comes up on an application (CMCC No.1058/2026) filed under Section 5 of the Limitation Act for condoning the delay in filing the appeal.
2. Learned counsel for the appellant-Insurance Company submits that the present appeal has been filed within time, however, inadvertently, an application (CMCC No.1058/2026) under Section 5 of the Limitation Act for condoning the delay in filing the appeal has been filed.
3. Learned counsel for the appellants seeks permission to withdraw the aforesaid application.
4. In that view of the matter, application (CMCC No.1058/2026) stands dismissed as withdrawn.
5. Heard on Stay Application No.2153/2026.
6. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award dated 22.01.2026 passed by learned Motor Accident Claims Tribunal, Jaipur, District Jaipur (Additional District and Sessions Judge No.1, Jaipur, District Jaipur) (hereinafter referred to as the learned 'Tribunal') in M.A.C. No. 42/2022 whereby, the claim petition has been partly allowed and an award of Rs.1,14,28,024/- along with the interest @ 6 % per annum has been passed in favour of the claimant(s)-respondent(s).
7. Learned counsel appearing on behalf of the appellant-Insurance Company prays that the effect and operation of the

impugned judgment and award dated 22.01.2026 passed by the learned Tribunal be stayed, till the pendency of the appeal.

8. The matter requires consideration.

9. Mr. Vinod Tyagi, Adv. puts in appearance on behalf of the respondents No. 1 to 5 and submits that his name may be reflected in the cause-list as counsel for the respondents No.1 to 5.

10. Name of Mr. Vinod Tyagi, Adv. be reflected in the cause-list as counsel for the respondents No.1 to 5.

11. Issue notice to the respondents No.6 and 7 by both modes i.e., by ordinary process as well as by registered post, returnable within eight weeks. Requisites be filed within one week.

12. 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 22.01.2026, with learned Motor Accident Claims Tribunal, Jaipur, District Jaipur (Additional District and Sessions Judge No.1, Jaipur, District Jaipur) within a period of four weeks from today.

13. 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 22.01.2026 passed by learned Motor Accident Claims Tribunal, Jaipur, District Jaipur (Additional District and Sessions Judge No.1, Jaipur, District Jaipur) shall remain stayed, till pendency of the appeal.

14. On depositing the said amount by the appellant-Insurance Company, the learned Tribunal is directed to disburse 50% of the

amount, so deposited, in favour of the claimant(s)-respondent(s) in terms of the award on an undertaking by the claimant(s)-respondent(s) that in case, appeal of the appellant-Insurance Company succeeds, the claimant(s)-respondent(s) shall repay the amount, so received, along with interest @ 6% per annum. Remaining 50% 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.

15. Accordingly, Stay Application No.2153/2026 stands disposed of.

16. List the matter along with S.B. C.M.A. No.2440/2026 after eight weeks.

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

(ASHUTOSH KUMAR),J