

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2675/2026

URN: CMA / 4759U / 2026

Iffco-Tokio General Insurance Company Ltd., Through Its Manager, First Floor, ARG Corporate Park, Gopal Bari, Ajmer Road, Pulia, Jaipur Rajasthan. Through Its Constituent Attorney. (Insurer Of Vehicle Tractor No. Rj Rj-08-Rc-1300)

----Appellant/Non-Claimant No.3

Versus

1. Pushpa, W/o Late Shivram, Aged About 31 Years,
2. Master Yuvraj, S/o Late Shivram, Aged About 9 Years,
3. Ms. Avani, D/o Late Shivram, Aged About 10 Years,
No.2 & 3 being Minors, Represented Through Their Guardian Mother Pushpa.
4. Ramnarayam S/o Late Mangilal, Aged About 72 Years,
5. Jamna Bai W/o Ramnarayan, Aged About 63 Years,
All R/o Village Bishanpura, Tehsil Hindoli, District Bundi Rajasthan.

----Claimants/Respondents

6. Nirmal Kumar S/o Shokin Lal, R/o Village Bishanpura, Tehsil Hindoli, District Bundi (Raj.) (Driver Of Vehicle Tractor No. RJ-08-RC-1300)
7. Murti Bai, W/o Chhotulal, R/o Village Bishanpura, Tehsil Hindoli, District Bundi (Raj.) (Owner Of Vehicle Tractor No. RJ-08-RC-1300)

----Non-Claimants/Respondents

For Appellant(s) : Mr. Chanderdeep Singh Jodha, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

08/07/2026

1. This appeal has been filed against the impugned judgment and award dated 05.03.2026 passed by learned Motor Accident Claims Tribunal No.1, Bundi (Raj.) in MACT Case No. 265/2024 titled as Pushpa & Ors. Versus Nirmal Kumar & Ors., wherein, an award of Rs.18,17,222/- along with interest @ 6% per annum was awarded in favour of the claimant-respondent Nos.1 to 5.

2. Learned counsel appearing on behalf of the appellant-Insurance Company submits that after the accident, FIR was registered and initially, after investigation, the vehicle named in the FIR was not found to be involved in the accident and accordingly, negative final report was submitted. Subsequent to that, the learned Magistrate directed to the police to conduct further investigation in the matter. However, no final report was submitted by the police after further investigation. In the meanwhile, the claim petition was filed before the learned Tribunal and the same was allowed vide impugned judgment and award. Learned counsel argues that the offending vehicle named in this matter was not involved in the accident, therefore, the appellant-Insurance Company has no liability to satisfy the award. Learned counsel further argues that in the execution proceedings, the bank account of the appellant-Insurance Company has been attached for the execution of award passed by the learned Tribunal, therefore, learned counsel prays that the learned Tribunal be directed not to disburse the amount of compensation to the claimant-respondent Nos.1 to 5 till the pendency of this appeal.

3. The matter requires consideration.

4. Issue notice to the respondents by both modes i.e., by ordinary process as well as by registered post, returnable within eight weeks.

5. Requisites be filed within one week.

6. Heard on stay application No.2708/2026.

7. Learned Tribunal is directed that after receiving the award amount from the account of the appellant-Insurance Company, attached in the execution proceedings, the same be deposited in

the FDR 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.

8. After service of notice, the claimant-respondent Nos.1 to 5 shall be at liberty to move an application for disbursement of the amount so deposited by the appellant-Insurance Company.

9. Accordingly, stay application No. 2708/2026 stands disposed of.

10. List this case after eight weeks.

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

(ASHUTOSH KUMAR),J