

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 11277/2024

Bhairu Ram Sharma S/o Shri Banshi Lal Sharma, Resident Of Village Keshupura, Post- Bhankrota, Tehsil Sanaganer, District Jaipur, Rajasthan. (Registered Owner Vehicle No. Rj -14 - 25M - 2103).

----Petitioner

Versus

1. Narayan Singh S/o Late Shri Buddha Singh, Aged About 66 Years, Resident Of 123-B, Roshan Vihar Second, C-Block, Najafgarh, New Delhi.
2. Smt. Phoola Devi W/o Shri Narayan Singh, Aged About 63 Years, Resident Of 123-B, Roshan Vihar Second, C-Block, Najafgarh, New Delhi.

----Respondents

For Petitioner(s) : Mr. Jai Kishan Yogi,
Mr. Yenu Satyan

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

15/07/2024

1. It has been submitted that petitioner is the registered owner of the vehicle, against whom the Motor Accident Claim Tribunal, Jaipur in Claim Case No.45/18,706/15 (1694/09), vide judgment dated 26.03.2019, has passed award to the tune of Rs.4,12,500/- along with interest @ 6% per annum, but since award was passed in ex parte, petitioner filed application under Order 9 Rule 13 CPC.
2. It has been submitted that the application filed under Order 9 Rule 13 CPC has been dismissed by the Tribunal vide order impugned dated 20.04.2024, under the impression that petitioner has preferred an appeal against the final award dated 26.03.2019

before the High Court, whereas counsel for petitioner states that the appeal has been filed by respondents-claimants, for enhancement of the compensation.

3. In such view, let notice be issued to respondents.

4. Considering the issue involved, petitioner is directed to serve notice on respondents No.3 and 4 as well, who have been impleaded as proforma respondents.

5. In case, petitioner deposits a lump-sum amount of Rs.2 lacs before the concerned MACT Tribunal, within a period of four weeks from today, the execution of the award dated 26.03.2019, passed against the petitioner, shall remain stayed.

(SUDESH BANSAL),J