

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3045/2026
URN: CMA / 5372U / 2026

Manager, Oriental Insurance Com. Ltd, Branch Near Hindustan Metal, Mangrol Bypass Road, Bara, District- Bara, (Raj.) And Having Its Regional Office At 10Th Floor, Nbcc Centre, Sahkar Marg, Jaipur- 302015. Through Its Constituent Attorney.
(Insurer Trailer No. Rj-26-Ga-2095)

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

Versus

1. Rajmal S/o Devilal Kirad, Aged About 46 Years, R/o Gadreta, P.s. Kelwada, District- Baran, (Raj.).

-----Claimant/Respondent

2. Sataynarayan S/o Prabhulal, Aged About 43 Years, R/o Niwariya P.s. Dhuni, District- Tonk, (Raj.)
(Vehicle Driver Trailer No. Rj-26-Ga-2095)

3. Ramlal (Deceased) S/o Chaganlal, Through Legal Heir Premdevi Aged About- 52 Years W/o Ramlal, R/o Negdiya Post Rajmahal, Tehsil Devali, District- Tonk, (Raj.).
(Vehicle Owner/ Heir Trailer No. Rj-26-Ga-2095)

-----Non Claimants/Respondents

For Appellant(s) : Mr. Chanderdeep Singh Jodha

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

14/07/2026

1. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the impugned judgment and award dated 12.03.2026 passed by the learned Motor Accident Claims Tribunal, Baran (Raj.) (hereinafter referred to as the learned 'Tribunal') in Claim Petition No. 04/2023, whereby, learned Tribunal partly allowed the claim petition, and awarded a

compensation of Rs.4,38,152/- along with the interest @ 7.5% per annum in favour of the claimant-respondent.

2. Learned counsel appearing on behalf of the appellant-Insurance Company submits that the effect and operation of the impugned judgment and award dated 12.03.2026 passed by the learned Tribunal be stayed till the pendency of the appeal.

3. The matter requires consideration.

4. 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.

5. Heard on stay application No. 3108/2026.

6. The appellant-Insurance Company is directed to deposit the entire decretal amount along with the interest as awarded vide impugned judgment and award dated 12.03.2026 with the learned Motor Accident Claims Tribunal, Baran (Raj.) within a period of four weeks from today.

7. If the amount is deposited by the appellant-Insurance Company within the stipulated period, then the effect and operation of the impugned judgment and award dated 12.03.2026, passed by the learned Motor Accident Claims Tribunal, Baran (Raj.) in Claim Petition No. 04/2023 shall remain stayed, till further orders of this Court.

8. On depositing the said amount by the appellant - Insurance Company, the learned Tribunal is directed to disburse 50% of the amount, so deposited, to the claimant-respondent in terms of the award on an undertaking by the claimant-respondent that in case, appeal of the appellant - Insurance Company succeeds, the claimant-respondent shall repay the amount, so received, along

with interest @ 6% per annum. Remaining 50% of the 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. 3108/2026 stands disposed of.

10. List this case after eight weeks.

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

(ASHUTOSH KUMAR),J

8/TANISHA