

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3097/2026

URN: CMA / 5436U / 2026

Indusind General Insurance Company Limited, Through Branch Manager, Branch Office Man Upasana Tower, Plot No. C-44. 6Th Floor, Sardar Patel Marg, C-Scheme, Jaipur 302021, At Present Having Its Office At 503, 5Th Floor, Ever Shine Tower, Amrapali Circle, Vaishali Nagar, Jaipur-302021 Rajasthan, Through Authorized Signatory.

(Policy No. 260722023340030270) (Insurance Period Date From 25.09.2020. To 24.09.2021) (Insurance Company Of Pick-Up No.rj-14-Gd-9048)

----Appellant-Non Claimant

Versus

1. Punam Bhargava W/o Late Shri Pawan Bhargava, Aged About 33 Years (wife)
2. Shankar Lal Bhargava, Aged About 67 Years, S/o Shri Bhanwar Lal Bhargava (Father)
3. Kanchan Devi, Aged About 65 Years, W/o Shri Shankar Lal Bhargava (Mother)
4. Manan, Aged About 14 Years, S/o Late Shri Pawan Bhargava (Son)
5. Jatin S/o Late Shri Pawan Bhargava (Son), Aged About 12 Years, (Respondent No.4 And 5 Are Minor Represented Through Natural Guardian, Mother Punam Bhargava)
All Resident Of Plot No. 52, Malaniyon Ka Mohalla, Village Vatika, Tehsil Sanganer, Jaipur, Rajasthan.

---Claimants-Respondents

6. Badri Narayan Jangid S/o Shri Ghansilal Jangid, Aged About 55 Years, Resident Of 1076, Lamba Bass, Tehsil Phagi, District Jaipur, Rajasthan.(Driver And Registered Owner Of Pick-Up No. Rj-14-Gd-9048)

----Non Claimant-Respondents

For Appellant(s) : Mr. Rizwan Ahmed

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 judgment and award dated 11.05.2026 passed by learned Rajasthan State Cooperative Tribunal and Motor Accident Claims Tribunal, Jaipur Metropolitan-I, Jaipur (hereinafter referred to as the learned 'Tribunal') in Claim Case No. 312/2023, whereby, the claim petition has been partly allowed and an award of Rs.52,00,810/- along with the interest @ 6 % per annum has been passed in favour of the claimant(s)-respondent(s).
2. Learned counsel appearing on behalf of the appellant-Insurance Company prays that the effect and operation of the impugned judgment and award dated 11.05.2026 passed by the learned Tribunal be stayed, till the pendency of the appeal.
3. The matter requires consideration.
4. Issue notice to 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.3128/2026.
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 11.05.2026, with learned Rajasthan State Cooperative Tribunal and Motor Accident Claims Tribunal,

Jaipur Metropolitan-I, Jaipur within a period of four weeks from today.

7. 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 11.05.2026 passed by learned Rajasthan State Cooperative Tribunal and Motor Accident Claims Tribunal, Jaipur Metropolitan-I, Jaipur shall remain stayed, till pendency of the appeal.

8. 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.

9. Accordingly, Stay Application No. 3128/2026 stands disposed of.

10. List the matter after eight weeks.

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

(ASHUTOSH KUMAR),J