

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3284/2026

URN: CMA / 5678U / 2026

Iffco Tokio General Insurance Company Ltd., Through Branch Manager, Branch Office At Bhagwati Bhawan, Above PL Motors, Government Hostel Chowra, M.I Road Jaipur, Through Its Constituent Attorney. (Vehicle Insurer Car No.- RJ-25-CB-0098)

----Appellant

Versus

1. Smt. Anandi Soni W/o Late Shri Kishanlal Soni, Aged About 67 Years,
2. Pradyuman Soni S/o Late Shri Rakesh Kumar Soni, Aged About 10 Years, Being Minor Represented Through Guardian Anandi Soni W/o Late Kishan Lal Soni,
3. Avika Soni D/o Late Shri Rakesh Kumar Soni, Aged About 7 Years, Being Minor Represented Through Guardian Anandi Soni W/o Late Kishan Lal Soni,
4. Vinod Kumar Swarnkaar S/o Late Shri Kishanlal Swarnkaar, Aged About 45 Years,
All R/o Main Market, Malarna Chod, Teh. Malarna Dungar,
District- Sawaimadhopur.

---Claimants/Respondents

5. Neetu Soni W/o Sanjay Kumar Soni, Aged About 40 Years, R/o Keshav Rai Ji Mohalla, Teh. Malarna Dungar, District Sawaimadhopur. (Registered Vehicle Owner Car No.- RJ-25-CB-0098)
6. Dharamveer Gurjar S/o Hariram Gurjar, R/o Village Bhisada, Police Station Pahadi, Teh. And District- Deeg. (Vehicle Driver Trailer Number R.J.-09-G.B.-2187)
7. Prem Infra, Through Owner Virendra Kumar Agarwal, Resident E-81, Police Path, Nirman Nagar, Jaipur. (Vehicle Owner Trailer Number R.J.-09-G.B.-2187)
8. The New India Insurance Company Limited, Through Branch Manager, Branch Office At 7 Civil Lines, Sawaimadhopur. (Insurer Trailer No. R.J.-09-G.B.-2187)

----Non-Claimants/Respondents

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

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

17/07/2026

1. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the impugned judgment and award dated 11.05.2026 passed by the learned Motor Accident Claims Tribunal, Sawai Madhopur (Raj.) (hereinafter referred to as the learned 'Tribunal') in MACT Case No. 105/2025, whereby, the learned Tribunal has partly allowed the claim petition and awarded a compensation of Rs.74,43,000/- along with the interest @ 6% per annum in favour of the claimant-respondents.
2. Learned counsel appearing on behalf of the appellant-Insurance Company submits 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 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. 3314/2026.
6. The appellant-Insurance Company is directed to deposit the entire decretal amount along with the interest as awarded against the Insurance Company vide impugned judgment and award dated 11.05.2026 with the learned Motor Accident Claims Tribunal, Sawai Madhopur (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 11.05.2026, passed by the learned Motor Accident Claims Tribunal, Sawai Madhopur (Raj.) in MACT Case No. 105/2025 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, amongst the claimant-respondents in terms of the award on an undertaking by the claimant-respondents that in case, appeal of the appellant - Insurance Company succeeds, the claimant-respondents 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. 3314/2026 stands disposed of.

10. List this case after eight weeks.

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

(ASHUTOSH KUMAR),J