

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3909/2019

Tejmal S/o Sitaram and Ors.

----Appellants

Versus

Rajesh Meena S/o Girraj Meena and Anr.

----Respondents

For Appellant(s) : Mr. Kapil Sharma for Mr. Sandeep Mathur

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

11/02/2026

1. Counsel for the appellants submits that the claim petition submitted by them under Section 166/140 of the Motor Vehicles Act, 1988 has been rejected by the Motor Accident Claims Tribunal No.1, Bundi vide impugned judgment and award dated 01.05.2019 and a direction has been issued to the respondent No. 2 to recover the interim compensation amount received by the claimants. Counsel submits that in such like matter, the amount so received as interim compensation i.e. fault liability cannot be ordered to be recovered from the claimants in light of the judgment passed by Hon'ble Apex Court in the case of **Indra Indra Devi & Ors. vs Bagada Ram & Anr.** reported in **2010(13)SCC 249**.
2. Heard. The matter requires consideration.
3. Issue notice of the appeal as well as stay application to the respondents. Rule is made returnable by six weeks.
4. Call for the record.

5. In the meantime, direction issued in para 25 and 27 of the impugned award shall remain stayed.
6. This order shall come into effect only after service upon the respondents.
7. Notices be given '*dasti*'.
8. The respondents would be at liberty to move an appropriate application for vacation of this order after service.
9. Let a copy of this order be sent to the respondents along with notices.

(ANOOP KUMAR DHAND),J