

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3630/2018

Rajendra Kumar S/o Shri Nand Kishor,

----Appellant

Versus

Kamla Bai W/o Late Shri Girdhari Lal & Ors.

----Respondents

For Appellant(s) : Mr.Amit Dadhich

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

09/02/2026

1. Learned counsel for the appellant submits that though the offending vehicle was insured, but the learned Tribunal has exonerated the Insurance Company from its liability to pay the compensation only on a technical count that the deceased was sitting on the mudguard. Counsel submits that giving a contrary finding against the evidence available on record, the aforesaid award has been passed against the appellant, who is the registered owner of the vehicle.
2. Heard. The matter requires consideration.
3. Issue notice to the respondents, returnable within a period of four weeks.
4. Notices be given '*dasti*'.
5. In the meantime, the effect and operation of the impugned award dated 25.05.2018 shall remain stayed, provided the appellant deposits half of the amount of compensation along-with interest with the Tribunal within a period of four week from today.

6. The Tribunal is directed to disburse the aforesaid amount to the claimants, after taking an undertaking on record to the effect that they will return the amount, so received by them, in case, the present appeal succeeds and the impugned award is quashed and set-aside.
7. This order will come into effect only after service upon the respondents.
8. Let a copy of this order to the respondents along-with the notices.
9. In case, the appellant fails to comply with the order passed by this Court and fails to deposit the half of the award amount with interest within the above stipulated time, the Executing Court would be at liberty to proceed against the appellant in accordance with law.
10. Let a fresh reminder be sent to the Tribunal for sending the record.

(ANOOP KUMAR DHAND),J