

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2817/2023

The Oriental Insurance Company Ltd.

----Appellant

Versus

Harsh Kumar S/o Bhomesh Kumar (Deceased)

----Respondent

For Appellant(s) : Mr.Sandeep Jain

For Respondent(s) :

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

09/10/2023

Issue notice of the appeal to all the respondents, returnable on 20th February, 2024. Notices be sent through ordinary process as well as registered post.

Requisites be filed within a period of two weeks from today.

Learned counsel for the appellant - Insurance Company prays that effect and operation of the impugned judgment and award may be stayed till final disposal of the appeal.

In the meanwhile, execution of the judgment and award dated 13.07.2023, passed by the Judge, Motor Accident Claims Tribunal, Sambhar Lake, District Jaipur in Claim Case No.47/2022 (Harsh Kumar Vs. Vinod Kumar & Ors.) shall remain stayed provided the appellant - Insurance Company deposits the entire award amount along with interest in the Tribunal within a period of one month from today.

On depositing the said amount by the appellant - Insurance Company, the learned Tribunal is directed to disburse 40% of the amount, so deposited, amongst the claimants in terms of the

award on an undertaking by the claimants that in case, appeal of the appellant - Insurance Company succeeds, the claimants shall repay the amount, so received, along with interest @ 8% per annum. Remaining 60% 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.

(ASHUTOSH KUMAR),J