

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3922/2025

Oriental Insurance Company Limited, Through Branch Manager,
Local Branch Bajaj Road, Sikar, At Present Having Its Regional
Office At 10Th Floor, N.b.c.c. Centre, Sahakar Marg, Jaipur,
302015 Through Its Authorized Signatory (Insurer Of Vehicle
Bolero No. Rj 18 Ub 3398)

----Appellant

Versus

1. Pawan Kanwar W/o Late Shri Sher Singh Spouse of Late Shri Sher Singh, Aged About 35 Years, R/o H-666, Gandhi Nagar, Lal Kothi, Ward No. 45, Jaipur District Jaipur
2. Naitik Singh Shekhawat S/o Late Shri Sher Singh S/o Late Shri Sher Singh, Aged About 16 Years, Minor Being Represented Through Natural Guardian Mother, Pawan Kanwar, R/o H-666, Gandhi Nagar, Lal Kothi, Ward No. 45, Jaipur District Jaipur
3. Harshvardhan Shekhawat S/o Late Shri Sher Singh S/o Late Shri Sher Singh, Aged About 12 Years, Minor Being Represented Through Natural Guardian Mother, Pawan Kanwar, R/o H-666, Gandhi Nagar, Lal Kothi, Ward No. 45, Jaipur District Jaipur.

----Claimants-Respondents

4. Gheesu Singh S/o Shri Narayan Singh S/o Shri Narayan Singh, R/o Kasli Tehsil Dhod, District Sikar (Driver Of Vehicle Bolero No. Rj 18 Ub 3398)
5. Ashok Kumar Khichad S/o Shri Jodharam S/o Shri Jodharam, Resident Meilasi Tehsil Dhod, District Sikar (Owner Of Vehicle Bolero No. RJ 18 UB 3398)

----Non-claimants-Respondents

For Appellant(s)	:	Mr. Rizwan Ahmed, Adv. with Mr. Mohsin, Adv.
For Respondent(s)	:	Mr. Gajender Sharma, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR**Order****10/12/2025**

1. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award dated 18.06.2025 passed by learned Motor Accident Claims Tribunal, Sikar (hereinafter referred to as the learned 'Tribunal') in Claim Case No.228/2021, whereby, the claim petition has been partly allowed and an award of Rs.46,86,000/- along with the interest @ 7.5% per annum has been passed in favour of the claimants-respondents.
2. Learned counsel appearing on behalf of appellant-Insurance Company prays that the effect and operation of the impugned judgment and award passed by the learned Tribunal be stayed till the pendency of the appeal.
3. The matter requires consideration.
4. Issue notice to respondent Nos.4 and 5 by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks. Requisites be filed within one week.
5. The appellant – Insurance Company is directed to deposit the entire decretal amount along with the interest as awarded vide impugned judgment and award dated 18.06.2025 with learned Motor Accident Claims Tribunal, Sikar, within a period of four weeks from today.
6. 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 18.06.2025

passed by learned Motor Accident Claims Tribunal, Sikar shall remain stayed, till further orders of this Court.

7. 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 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 @ 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.

8. List this case after six weeks.

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

(ASHUTOSH KUMAR),J