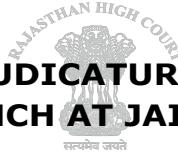




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Miscellaneous Appeal No. 303/2019

Cholamandalam General Insurance Co. Ltd. Through General Manager, Cholamandalam General Insurance Co. Ltd. Head Office 2Nd Floor Dare House 2 NSC Base Road Chennai Having Its Regional Office At E-52 Iind Floor Chitrangan Marg C-Scheme Jaipur Through Its Constituted Attorney

---Non-Claimant-Appellant

Versus

1. Pravesh Devi W/o Late Ajeet Singh, aged about 27 years
2. Anuj S/o Late Ajeet Singh, aged about 9 years
3. Kumari Sakshi D/o Late Ajeet Singh, aged about 7 years
4. Baijanti Devi W/o Jagdish, aged about 52 years,
5. Jagdish S/o Mohan Singh, Aged About 54 Years,
6. Ramavatar @ Ramautar S/o Resham Singh, aged about 29 years

Clamant-respondent No.2 Anuj and No.3 Sakshi are under guardianship of mother Pravesh Devi,
All are R/o Village Garhi Tursi Tehsil Fatehabad District Agra Uttar Pradesh

.....Claimant/Respondents

7. Prashant Chahar S/o Haribhan Singh, R/o Amarlok Colony Infront Of Ladies Hospital Tajganj Agra Uttar Pradesh
8. Bajaj Allianz General Insurance Company Ltd. Through General Manager, Bajaj Allianz General Insurance Company Ltd. Head Office Ge Plaza Airport Road Yerwada Pune Maharashtra 411006
9. Tofan Singh S/o Bhanwar Singh, R/o Village Dhimshri P.S. Shamshabad District Agra Uttar Pradesh

--Non-Claimants--Respondents

Connected With

S.B. Cross Objection (Civil) No. 42/2022

In

S.B. Civil Misc. Appeal No.303/2019

Cholamandalam General Insurance Company Ltd., Through General Manager, Cholamandalam General Insurance Co. Ltd. Head Office 2Nd Floor, Dare Hosue, 2, Base Road, Chennai, Having Its Regional Office At E-52, Iind Floor, Chitaranjan Marg, C-Schme, Jaipur Through Its Constituted Attorney.

--Non-Claimant--Appellant

Versus

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2. Anuj S/o Late Ajeet Singh, aged about 9 years
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--Non-Claimants--Respondents

For Appellant(s)	:	Mr. Virendra Agrawal
For Respondent(s)	:	Mr. Ashvindra Singh Rathore for Mr. Dinesh Kumar Garg Mr. Ashish Kumar Sharma Mr. Rizwan Ahmed (Cross-Objector in Cross-Objection No. 42/2022)

HON'BLE MR. JUSTICE SANDEEP TANEJA
Order

21/04/2026

In S.B. Civil Miscellaneous Appeal No. 303/2019 :-

1. Present appeal has been filed by the appellant-Cholamandalam General Insurance Company Ltd. under section 173 of Motor Vehicles Act, 1988 against the judgment and award dated 12.10.2018 passed by the learned Motor Accident Claims Tribunal, Dholpur, in Claim Case No.791/2015 (Old No.190/2012), whereby the claim petition filed by respondent Nos.1 to 6 - claimants has been allowed and an award for Rs.13,73,100/- has been passed in favour of the claimants.



2. In the appeal, a cross-objection has been filed by Bajaj Allianz General Insurance Company Ltd. being S.B. Cross Objection (Civil) No. 42/2022.

3. At the outset, learned counsel for the parties jointly submit that both the Insurance Companies have resolved their dispute amicably by way of a compromise. The memorandum of compromise duly signed by their respective counsel has been placed on record on 20.04.2026. On a specific query by this Court, learned counsel for the parties submit that they are duly authorized by their respective parties to execute the memo of compromise. The terms of the said compromise read as under:-

- "1. That the present Appeal has been filed by the Appellant against the award dated 12.10.2018 whereby the award has been passed by MACT, Dholpur in Claim Case No.791/2015 (Old No.190/2012) (Pravesh Devi & Ors. Vs. Prashant Chahar & Ors.) whereby the Award has been passed for Rs.13,73,100/- alongwith interest @ 6% per annum from the date of filing of Claim Petition till actual payment. The award has been passed against all the Non-Claimants including Appellant.*
- 2. That during pendency of the Appeal the Impugned Award has been satisfied by M/s Bajaj Allianz General Insurance Company Ltd. in favour of the Claimants and nothing remains to be paid to the Claimants and there is no cross Appeal filed by the Claimants for enhancement of the compensation amount.*
- 3. That in the changed circumstances, the Appellant does not want to press this Appeal since the M/s Bajaj Allianz General Insurance Company Ltd has no objection since the Award has already been satisfied by M/s Bajaj Allianz General Insurance Company Ltd. is entitled to get the refund of any amount, if any, deposited with the Tribunal before filing the Appeal.*
- 4. That during pendency of the Appeal, the Cross Objection bearing No.42/2022 filed by M/s Bajaj Allianz General Insurance Company Ltd. is also liable to be dismissed as withdrawn since the M/s Bajaj Allianz General Insurance Company Ltd. does not want to press the same.*
- 5. That thus, in view of the compromise arrived at between both the Insurance Companies, the appeal deserves to be disposed of."*



4. In view of the above, learned counsel for the appellant submits that appellant does not want to press the present appeal.

5. Accordingly, the appeal is dismissed as not pressed.

6. All pending application(s), if any, also stands disposed of.

7. Record of the Tribunal be sent back forthwith.

In **S. B. Cross Objection (Civil) No. 42/2022** :-

1. In view of the compromise arrived at between the parties in S. B. Civil Misc. Appeal No.303/2019, learned counsel for the Cross Objector seeks permission to withdraw the present cross objection.

2. Permission, as sought for, is granted.

3. Accordingly, the Cross Objection (Civil) is dismissed as withdrawn.

4. All pending application(s), if any, also stands disposed of.

(SANDEEP TANEJA),J