

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 4295/2025

The Oriental Insurance Company Ltd.

----Appellant

Versus

Jhamri Devi W/o Late Shri Ram Pal & Ors.

----Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 3846/2025

Jhamri Devi W/o Late Shri Rampal & Ors.

----Appellants

Versus

Dataram S/o Shri Shyodan & Ors.

----Respondents

For Appellant(s)	:	Mr. Virendra Saraswat (4295/2025), Mr. Vijay Kumar Jangid (3846/2025)
For Respondent(s)	:	Mr. Vijay Kumar Jangid (4295/2025)

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

27/10/2025

1. These present appeals have been filed by the appellants under Section 173 of the Motor Vehicles Act, 1988, assailing the award dated 13.06.2025 passed by the learned Motor Accident Claims Tribunal, Chomu, District Jaipur, whereby the learned Tribunal partly allowed the claim petition filed by the claimants and awarded compensation of Rs. 8,01,456/- along with interest at the rate of 9% per annum.

2. Learned counsel for the appellant-Insurance Company submitted that the learned Tribunal erred in not appreciating the fact that the accident was caused by a driver who did not possess a valid driving licence at the time of the accident. They further

submitted that such a fact constitutes a clear breach of law in terms of the judgment of Hon'ble Supreme Court in the matter of ***New India Assurance Co. Ltd. Vs. Sharanabasappa***¹.

3. Mr. Vijay Kumar Jangid, learned counsel accepts notice on behalf of respondents No. 1 to 7 in Appeal No. 4295/2025, and further submits that he has also filed Appeal No. 3846/2025 for enhancement.

4. Mr. Virendra Saraswat, learned counsel for the Insurance Company, accepts notice on behalf of respondent No. 4 in appeal No. 3846/2025.

5. In view of the submissions made hereinabove, issue notice to respondents No. 8 to 10 in Appeal No. 4295/2025 and to respondents No. 1 to 3 in Appeal No. 3846/2025, returnable on 10.11.2025.

6. Till the next date of hearing, execution of the award dated 13.06.2025 passed by the learned Motor Accident Claims Tribunal, Chomu, District Jaipur, shall remain stayed, provided the appellants deposit the entire awarded amount along with interest within a period of four weeks.

7. On depositing the entire awarded amount i.e. Rs. 8,01,456/- along with interest at the rate of 9% per annum; 60% of the awarded amount may be disbursed to the claimant/respondents on filing an undertaking to the effect that, in case the present appeal is allowed the claimants/respondents would return the said sum to the appellant along with interest @ 6% p.a.; and remaining 40% of the awarded amount may be invested in FDR in

1 SLP(C) Nos.19830-19832/2022

any nationalized bank and the same shall not be disbursed to the claimants/respondents without leave of this Court.

8. However, the claimants/respondents shall be at liberty to move an appropriate application for disbursement of the remaining 40% of the awarded amount, after service of notices upon the unserved respondents is completed.

9. List these matters on 10.11.2025, along with S.B. Civil Miscellaneous Appeals No.4234/2025 & 4427/2025.

10. In the meantime, call for the record.

(MANEESH SHARMA),J