

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

----Respondent

Connected With

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

Jhamri Devi W/o Late Shri Rampal

----Appellant

Versus

Dataram S/o Shri Shyodan

----Respondent

S.B. Civil Miscellaneous Appeal No. 4234/2025

Smt. Kamli Devi W/o Late Shri Bhairuram

----Appellant

Versus

Dataram S/o Shri Shyodan

----Respondent

S.B. Civil Miscellaneous Appeal No.4427/2025

The Oriental Insurance Company Ltd.

----Appellant

Versus

Kamli Devi W/o Late Shri Bharun Ram

----Respondent

For Appellant(s)	:	Mr. Virendra Saraswat
For Respondent(s)	:	Mr. Vijay Kumar Jangid

JUSTICE ANOOP KUMAR DHAND

Order

27/02/2026

S.B. Civil Misc. Appeal No.4427/2025

1. Against the same impugned judgment, two different appeals have been submitted by the Insurance Company. In one of the appeals bearing S.B. Civil Misc. Appeal No.4295/2025, after

hearing both the sides, the Co-ordinate Bench of this Court has passed the following order on 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 (SLP(C) Nos.19830-19832/2022)**.

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 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."

2. Learned counsels for the parties are in agreement that the same order be passed in the instant case as well.

3. Issue notice of the appeal as well as of the stay application to the respondents. Rule is made returnable by four weeks.

4. In the meantime, the effect and operation of the impugned award dated 13.06.2025 shall remain stayed, provided the appellant-Insurance Company deposits the entire awarded amount of compensation along with interest with the Tribunal within a period of four weeks from today.

5. The Tribunal is directed to disburse 60% of the compensation amount to the claimants in terms of the award, after taking their undertaking on record to the effect that they will return the amount, so received by them, with interest @6% per annum, in case, the present appeal, submitted by the Insurance Company, is allowed and the impugned award is set aside.

6. The Tribunal is further directed not to disburse the remaining 40% of the compensation amount to the claimants without seeking prior permission of this Court and the same shall be kept in FDR in any nationalized bank.

7. This order shall come into effect only after service of notice upon the respondents.
8. Notices be given 'dasti'.
9. Office is directed to return the record to the Tribunal and the Tribunal is further directed to send the record to this Court immediately after disbursement of the amount to the claimants in terms of the award, as directed by this Court.
10. The respondents shall be at liberty to move appropriate application for vacation of this order after service.
11. Let a copy of this order be sent to the respondents along with notices.

In S.B. Civil Misc. Appeal Nos.4295/2025, 3846/2025 and 4234/2025:

List along with S.B. Civil Misc. Appeal No.4427/2025.

(ANOOP KUMAR DHAND),J