

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3173/2023

United India Insurance Company Ltd., Branch Office 20B, Civil Line, Indra Colony, Kherda, Sawaimadhopur, Having Its Regional Office At 7Th - 8Th Floor, Nbcc Building, Sahakar Marg, Jaipur.

----Appellant

Versus

1. Taiyyab Khan S/o Hussain Khan, Aged About 54 Years, R/o Jaitpur, Ward No. 17, Tehsil Khandar, Distt. Sawaimadhopur (Raj.)
2. Aarishfa Bano Adopted D/o Mohd. Tohid, Aged About 4 Years, Minor Represented Through Natural Guardian Grandfather Taiyyab Khan, R/o Jaitpur, Ward No. 17, Tehsil Khandar, Distt. Sawaimadhopur (Raj.)
3. Mohd. Aakib S/o Taiyyab Ali, Aged About 24 Years, R/o Jaitpur, Ward No. 17, Tehsil Khandar, Distt. Sawaimadhopur (Raj.)
4. Mohd. Sakib Khan S/o Taiyyab Ali, Aged About 23 Years, R/o Jaitpur, Ward No. 17, Tehsil Khandar, Distt. Sawaimadhopur (Raj.)
5. Mohd. Iqbal S/o Mohd. Ishhaq, R/o Surwal, Tehsil And Distt. Sawaimadhopur (Raj.) (Driver Of Truck No. Rj 08-Gb-2537)
6. Khurshid Ahmed S/o Mohd. Haneef, R/o 58, Near Masjid, Ghosi Mohallah, Anantpura, Futa Talab, Pip, Kota (Raj.) (Owner Of Truck No. Rj 08-Gb-2537)

----Respondents

For Appellant(s)	:	Mr. Sandeep Jain
For Respondent(s)	:	

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

02/11/2023

1. 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.
2. Requisites be filed within a period of two weeks from today.
3. 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.
4. In the meanwhile, execution of the judgment and award dated 20.07.2023, passed by the Judge, Motor Accident Claims Tribunal, Sawaimadhopur in MACT Case No.113/2022 (CIS No.113/2022) (Taiyyab Khan & Ors. Vs. Mohd. Iqbal & Ors.) shall remain stayed provided the appellant - Insurance Company deposits the entire award amount along with interest in the Tribunal within a period of two months from today.
5. 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 @ 8% 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.

(ASHUTOSH KUMAR),J