

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3236/2023

United India Insurance Company Limited, Through Manager,
Branch Office At Sahara Chamber, Tonk Road, Jaipur.

----Appellant

Versus

1. Sanjana Kanwar D/o Shri Devendra Singh, Minor Through Natural Guardian Father Devendra Singh S/o Shri Nand Singh R/o Plot No. 4 Balaji Nagar, Jhotwara, Jaipur.
2. Sanjay Das S/o Shir Jhabu Das, R/o 124, Chitranjan Avenue, Police Station Lal Bazar Culcutta Presently G-194, Jai Shree Colony, Sikar Road, No. 14, Thana Vishvakarma, Jaipur (Driver Vehicle No. Rj-14-1G-5084)
3. Mukesh Kumar Haldiya S/o Shri Bhagwan Sahai, Aged About 38 Years, R/o House No. 102-3 New Anaj Mandi, Chandpole Bazar, Police Station Sanjay Circle, Jaipur (Owner Vehicle No. Rj-14-1G-5084)

----Respondents

For Appellant(s)	:	Mr. Rahul Lodha
For Respondent(s)	:	

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

02/11/2023

1. Issue notice of the appeal to 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 19.07.2023, passed by the Judge, Motor Accident Claims Tribunal and Essential Commodities Act, Jaipur Metropolitan, Jaipur in Claim Petition No.360/2014 (621/2012) CIS No.750/2019 (Sanjana Kanwar Vs. Sanjay Das & Anr.) 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 claimant(s) in terms of the award on an undertaking by the claimant(s) that in case, appeal of the appellant - Insurance Company succeeds, the claimant(s) 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