

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 4534/2025

United India Insurance Company Ltd., Service Through Branch
Manager United India Insurance Company Ltd Branch Office,
Dhulkott Road, Dholpur (Raj.)
(Insurance Company Vehicle Jeep Registered No. U.P. 75/C
9140)

---- Non-Claimant/Appellant

Versus

1. Kamlesh W/o Late Mohanlal, R/o Meena Colony,
Sarmathura Road, Badi Tehsil, Badi District Dholpur.
2. Gurudatt Parashar S/o Late Mohanlal, Aged About 24
Years, R/o Meena Colony, Sarmathura Road, Badi Tehsil,
Badi District Dholpur.
3. Ku. Jyoti Parashar D/o Late Mohanlal, Aged About 19
Years, R/o Meena Colony, Sarmathura Road, Badi Tehsil,
Badi District Dholpur.

---Claimants/Respondents

4. Praveen Kumar Sharma S/o Girraj, R/o Vijay Nagar Etava
Currently R/o Of Mohan Colony Dholpur Police Station
Nihalganj Dholpur (Raj.)
(Vehicle Owner)

---Non-Claimant/Respondent

For Appellant(s) : Mr. Chanderdeep Singh Jodha, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

09/12/2025

1. The present civil miscellaneous appeal has been filed by the
appellant-Insurance Company against the judgment and award
dated 28.07.2025 passed by Motor Accident Claims Tribunal
(Additional District Judge), Baadi, District Dholpur (hereinafter
referred to as the learned 'Tribunal') in M.A.C. No. 35/2018,

whereby, the claim petition has been partly allowed and an award of Rs.52,23,066/- along with the interest @ 7.5% per annum has been passed in favour of the claimants-respondents.

2. Learned counsel appearing on behalf of appellant- Insurance Company submits that the effect and operation of the impugned judgment and award passed by the learned Tribunal be stayed till the pendency of the appeal.

3. The matter requires consideration.

4. Issue notice to respondents by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks. Requisites be filed within one week.

5. The appellant – Insurance Company is directed to deposit the entire decretal amount along with the interest as awarded vide impugned judgment and award dated 28.07.2025 with the Motor Accident Claims Tribunal (Additional District Judge), Baadi, District Dholpur within a period of four weeks from today.

6. If the amount is deposited by the appellant within the stipulated period, then the effect and operation of the impugned judgment and award dated 28.07.2025 passed by Motor Accident Claims Tribunal (Additional District Judge), Baadi, District Dholpur shall remain stayed, till further orders of this Court.

7. 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-respondents in terms of the award on an undertaking by the claimants-respondents that in case, appeal of the appellant – Insurance Company succeeds, the claimants-respondents shall repay the

amount, so received, along with interest @ 6% 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.

8. List this case after six weeks.

9. In the meanwhile, record of the Court below be summoned.

(ASHUTOSH KUMAR),J

TANISHA /1