

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 4733/2025
CNR: RJHC020915632025 | URN: CMA / 8152U / 2025

Shivji S/o Parasram & Ors.

----Appellants

Versus

Devendra S/o Parsaram & Anr.

----Respondents

For Appellant(s)	:	Mr. Sukhdev Singh Solanki
For Respondent(s)	:	Mr. Chandra Mohan Sharma

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

03/08/2026

1. The matter comes upon an application (I.A. No. 01/2026) for hearing the appeal on an early date.
2. Learned counsel for the appellants submits that the execution proceedings have been initiated for the impugned award passed by the Motor Accident Claims Tribunal vide order dated 07.11.2024.
3. Taking into consideration the submissions made by the counsel for the appellant, application for early hearing is allowed and the appeal is being heard for admission.
4. Learned counsel for the appellant submits that the appellants are the wife and the daughter of the deceased-registered owner of the offending vehicle. He further submits that appellants are facing great financial hardship for their maintenance and the award has been passed ex-parte without service of notice upon them.

5. Mr. Vikas Kumar Sharma, Adv. puts in appearance on behalf of the respondent No. 1 and Ms. Ritu Raj Soni, Adv. puts in appearance on behalf of respondent No. 2. Hence, service of notice upon respondents is complete.

6. So as to adjudicate this appeal, the record of the claim petition is required. Hence, Registry is directed to summon the record of the Claim Petition No. 113/2018 (Old No. 99/2017) from the Motor Accident Claims Tribunal, Bayana, Bharatpur.

7. In the meantime, the appellants shall deposit 50% of the compensation amount as awarded by the Claims Tribunal along with interest on it within a period of 60 days from today. The award to the extent of remaining 50% of the compensation amount shall remain stayed, till further orders and the execution proceedings initiated by the claimant also shall remain stayed.

8. In case, the appellants deposit 50% of the compensation amount awarded by the learned Tribunal, same may be disbursed to the claimant/respondent on submitting an undertaking that in case, the appellants succeed in this appeal, he will refund the amount so received along with interest @ 4% p.a.

9. If the appellants fail to deposit 50% of the compensation amount along with interest within above given time of 60 days, this interim order shall automatically cease its effect.

(GANESH RAM MEENA),J