

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 4787/2025

Shriram General Insurance Company Ltd., office e-8 EPIP RIICO industrial area, Sitapura, Jaipur through its constituted attorney.

----Appellant

Versus

1. Fauranti Devi W/o Rajesh Prajapat, Aged About 29 Years,
2. Sonakshi Prajapat D/o Rajesh Prajapat, Aged About 9 Years,
3. Ritika Prajapat D/o Rajesh Prajapat, Aged About 4 Years,
4. Ramghani D/o Rajesh Prajapat, aged about 2 years 20 days,
Claimant Nos. 2 To 4 Are Being Minor Through Her Natural Guardian And Mother Fauranti Devi W/o Rajesh.
5. Nanki Devi, W/o Nanakram, aged about 56 years,
6. Nanakaram S/o Motilal, aged about 59 years,
All R/o Sinoli, Police Station Surwal, District Sawaimadhopur.
7. Mohammad Taufiq S/o Mohammad Rafeeq, R/o Infront Of Collectory, Tonk. (Driver Of Vehicle Car No. RJ-14-TD-7943)
8. Wahid Khan S/o Shahid Miya, R/o Power House Road, Baggi Khana, Tonk. (Owner Of Vehicle Car No. RJ-14-TD-7943)
9. Yogendra Singh, R/o 4 Prem Nagar, Tonk Marg Kalyannagar Sanganer, Tehsil Sanganer, District Jaipur. (Insured Of Car No.RJ-14-TD-7943)

----Respondents

For Appellant(s)	:	Ms.Anjali Assat for Mr.Virendra Agrawal
For Respondent(s)	:	

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

07/11/2025

1. The present appeal has been filed by the appellant under Section 173 of the Motor Vehicles Act, 1988 assailing the award dated 14.08.2025 passed by the learned Motor Accident Claims Tribunal, Tonk, in Claim Case No.130/2023 titled as "*Fauranti Devi & Ors. Vs. Mohammad Taufiq & Ors.*" whereby the claim petition filed by the claimants/respondents has been partly allowed and an award of Rs.11,25,007/- along-with interest @ 7% per annum has been awarded to the claimants/ respondents.
2. Learned counsel for the appellant submits that there has been a delay of nine (9) days in lodging of the FIR and involvement of the insured vehicle is a disputed fact in the present case. She further submits that learned Tribunal has not taken into consideration the Rojnamcha report marked as Ex.NA-2.
3. Heard.
4. In that view of the matter, issue notice to the respondents, by both modes, ordinary as well as registered post, returnable by six weeks.
5. After considering the rival submissions, this Court is of the view that the operation and effect of the impugned award dated 14.08.2025 in Claim Case No.130/2023, passed by the passed by the learned Motor Accident Claims Tribunal, Tonk, shall remain stayed, provided the appellant deposits the entire awarded amount i.e. Rs.11,25,007/- along-with interest @ 7% per annum within a period of six weeks from today.
6. On depositing the entire awarded amount i.e. Rs.11,25,007/- along-with interest @ 7% per annum; 50% of the awarded amount may be disbursed to the claimants/respondents, on filing

an undertaking on oath to the effect that, in case the present appeal is allowed the claimants/respondents would return the said sum to the appellants along with interest @ 7% p.a.; and the remaining 50% 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.

(MANEESH SHARMA),J