

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5297/2025

United India Insurance Company Ltd.

----Appellant

Versus

Vikas Singadiya Son Of Late Shri Ramchandra and Ors.

----Respondents

For Appellant(s)	:	Mr. Devendar Kumar Chauhan
For Respondent(s)	:	

JUSTICE ANOOP KUMAR DHAND

Order

10/02/2026

1. Counsel for the appellant-Insurance Company submits that the insurer issued a cheque dated 05.02.2021 in lieu of the insurance policy of the subject vehicle and on the basis of the same, the policy was issued on 06.02.2021. Counsel submits that when the cheque was presented with the bank for its encashment, the same was dishonoured by the Bank on 15.02.2021 with the remark of insufficient funds in the account of the insurer and on the same day i.e. 15.02.2021, the accident involving the subject vehicle occurred. Counsel submits that when the appellant-Insurance Company has not received the premium then under such circumstances, the appellant is not liable to pay any sort of compensation to the claimant. But inspite of the above, the liability has been fastened upon the Insurance Company by the Tribunal.
2. Heard. The matter requires consideration.
3. Issue notice of the appeal as well as stay application to the respondents. Rule is made returnable by four weeks.

4. Call for the record.
5. In the meantime, the effect and operation of the impugned award dated 21.08.2025 shall remain stayed, provided the appellant-Insurance Company deposits the entire amount of the compensation along with interest with the Tribunal, within a period of four weeks from today.
6. The Tribunal is directed not to disburse any amount of compensation to the claimant without seeking prior permission of this Court and the same shall be kept in FDR in any nationalized bank.
7. This order shall come into effect only after service upon the respondents.
8. Notices be given '*dasti*'.
9. The respondents would be at liberty to move an appropriate application for vacation of this order after service.
10. Let a copy of this order be sent to the respondents along with notices.

(ANOOP KUMAR DHAND),J