

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 283/2020

1. Smt. Dharmo Devi W/o Sitaram Saini, R/o Mirzapur P.S. Sadar Gangapur City, Distt. Sawaimadhopur (Raj)
2. Sitaram Saini S/o Kirodi Lal Saini, R/o Mirzapur P.S. Sadar Gangapur City, Distt. Sawaimadhopur (Raj)

----Appellants-Claimants

Versus

1. Farman S/o Tajjudin, R/o Naviya Ka Baad, Police Station Gangapur City, Sadar, Distt. Sawaimadhopur (Raj) (Driver)
2. Santosh Sharma S/o Ramdayal Sharma, R/o Truck Union, Karauli, Distt. Karauli (Vehicle Owner)
3. National Insurance Company Ltd., Sawaimadhopur (Insurance Company M.P. 07/F1254)

----Respondents/Non-Claimants

Connected With

S.B. Civil Miscellaneous Appeal No. 6114/2019

1. Farman S/o Tajuddin, R/o Naviya Ka Badh, P.S. Gangapurcity Sadar, District Sawaimadhopur (Driver Of Vehicle)
2. Santosh Sharma S/o Ramdayal Sharma, R/o Truck Union Karauli, (Owner Of Vehicle)

----Appellants/Non-Claimants

Versus

1. Smt. Dharma Devi W/o Sitaram Saini, R/o Village Mirjapur, P.S. Sadar, Gangapurcity, District Sawaimadhopur
2. Sitaram Saini S/o Kirodi Lal Saini, R/o Village Mirjapur, P.S. Sadar, Gangapurcity, District Sawaimadhopur

----Respondents/Claimants

3. National Insurance Company Ltd., Sawaimadhopur (Insurer)

----Respondent/Non-Claimant

For Appellant(s)	:	Mr. Harikishan Sharma, Adv. for Mr. Raunak Dixit, Adv. Mr. Abdul Kalam Khan, Adv.
For Respondent(s)	:	Mr. Praveen Kumar Jain, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

04/05/2026

In S.B. Civil Miscellaneous Appeal No. 283/2020:-

1. Issue notice to all the respondents by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks.
2. Requisites be filed within one week.
3. Record of the Court below be summoned.

In S.B. Civil Miscellaneous Appeal No. 6114/2019:-

1. On 21.04.2026, Mr. Harikishan Sharma, learned counsel accepted notice on behalf of respondent Nos. 1 & 2, but his name has not been shown in the cause list.
2. Office is directed to reflect the name of Mr. Harikishan Sharma, Adv. in the cause list as counsel for the respondents.
3. The present civil miscellaneous appeal has been filed by the appellants against the judgment and award dated 22.10.2019 passed by learned Motor Accident Claims Tribunal, Gangapurcity (Raj.) (hereinafter referred to as the learned 'Tribunal') in Claim Case No. 17/2013 titled as Smt. Dharma Devi & Anr. Vs. Farman & Ors., whereby, learned Tribunal while allowing the claim petition, has awarded a compensation of Rs.5,20,000/- along with the interest @ 6% per annum in favour of the claimant-respondent Nos. 1 & 2.
4. In this matter, the insurance company-respondent No.3 has been exonerated, however, it has been directed that the insurance company shall make the payment to claimant-respondent Nos.1 &

2 and then to recover the same from the owner and driver, who are appellants herein.

5. Learned counsel appearing on behalf of the appellants submits that the insurance company has wrongly exonerated by the learned Tribunal, therefore, the effect and operation of the impugned judgment and award dated 22.10.2019 passed by the learned Tribunal be stayed till the pendency of the appeal.

6. The appellants are directed to deposit 50% of the decretal amount as awarded vide impugned judgment and award dated 22.10.2019 with the learned Motor Accident Claims Tribunal, Gangapurcity (Raj.) within a period of four weeks from today.

7. If the amount is deposited by the appellants within the stipulated period, then the effect and operation of the impugned judgment and award dated 22.10.2019, passed by the learned Motor Accident Claims Tribunal, Gangapurcity (Raj.) in Claim Case No. 17/2013 shall remain stayed, till further orders of this Court.

8. On depositing the said amount by the appellants, the learned Tribunal is directed to disburse the same to the respondent No.3- Insurance Company in terms of the award on an undertaking by the Insurance Company that in case, appeal of the appellants succeeds, the Insurance Company shall repay the amount, so received, along with interest @ 6% per annum.

9. List these cases after eight weeks.

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

(ASHUTOSH KUMAR),J