

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5180/2025

Reliance General Insurance Company Limited, Man Upasana, Sardar Patel Marg, C-Scheme, Jaipur And Having Its Current Regional Office At 503, 5Th Floor Ever Shine Tower, Amrapali Circle, Vaishali Nagar, Jaipur 302021, Through Its Constituent Attorney.

(Insurance Company Truck Trailer No. G.J. 12 B.V. 7724)

----Appellant

Versus

1. Smt. Laxmi Devi W/o Late Shri Narendra Singh, Aged About 40 Years, R/o Bagta Ka Badiya, Post Surdiya, Beawar.
2. Mukesh Singh S/o Late Shri Narendra Singh, Aged About 21 Years, R/o Bagta Ka Badiya, Post Surdiya, Beawar.
3. Master Jaswant Singh S/o Late Shri Narendra Singh, Aged About 19 Years, R/o Bagta Ka Badiya, Post Surdiya, Beawar.
4. Master Dinesh Singh D/o Late Shri Narendra Singh, Aged About 18 Years, R/o Bagta Ka Badiya, Post Surdiya, Beawar.
5. Kishan Singh S/o Shri Sawai Singh, Aged About 72 Years, R/o Bagta Ka Badiya, Post Surdiya, Beawar.
6. Smt. Radha Devi W/o Shri Kishan Singh, Aged About 62 Years, R/o Bagta Ka Badiya, Post Surdiya, Beawar.

----Claimants/Respondents

7. Tekchand S/o Shri Kishanlal, R/o 3207, Suthar Khana Mohalla, Nasirabad, Ajmer.
(Driver Truck Trailer No. G.J. 12- B.V. 7724).
8. Sanjay Changa S/o Shri Randhod Bhai, R/o Ratnal, Anjaar, Bhuj-Kachh, Gujarat.
(Vehicle Owner Truck Trailer No. G.J. 12- B.V. 7724).

----Non-Claimants/Respondents

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

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

08/12/2025

1. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award dated 06.09.2025 passed by learned Motor Vehicle Accident Claims Tribunal (Additional District and Sessions Judge, No.03), Beawar (hereinafter referred to as the learned 'Tribunal') in Claim Petition No. 139/2023, whereby, the claim petition has been partly allowed and an award of Rs.47,91,678/- along with the interest of 7.5% per annum has been passed in favour of the claimants-respondents.
2. Learned counsel appearing on behalf of the appellant-Insurance Company submits that the effect and operation of the impugned judgment and award dated 06.09.2025 passed by the learned Tribunal be stayed till the pendency of the appeal.
3. The matter requires consideration.
4. Issue notice to the 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 06.09.2025 with the learned Motor Vehicle Accident Claims Tribunal (Additional District and Sessions Judge, No.03), Beawar within a period of four weeks from today.
6. If the amount is deposited by the appellant-Insurance Company within the stipulated period, then the effect and

operation of the impugned judgment and award dated 06.09.2025, passed by learned Motor Vehicle Accident Claims Tribunal (Additional District and Sessions Judge, No.03), Beawar in Claim Petition No. 139/2023 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 in terms of the award on an undertaking by the claimants that in case, appeal of the appellant - Insurance Company succeeds, the claimants shall repay the amount, so received, along with interest @ 6% per annum. Remaining 50% of the 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 meantime, record of the Court below be summoned.

(ASHUTOSH KUMAR),J