

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 207/2026

Lalchand S/o Birbal & Anr.

----Appellants

Versus

Nisha Devi @ Santosh Devi W/o Late Shri Suresh Meena & Ors.

----Respondents

For Appellant(s) : Mr. Jitendra Singh Shekhawat with
Mr. Ashir Gauri

For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

05/05/2026

1. The present civil miscellaneous appeal has been preferred by the appellants assailing the award dated 12.09.2025 passed by the learned Motor Accident Claims Tribunal, Alwar (Rajasthan), in Civil Miscellaneous Application No. 28/2025 (Old No.25/2022) and Execution Application No.2/2020, titled as '*Hanuman Prasad Yadav Vs. Nisha Devi*', whereby the learned Tribunal dismissed the appellant's application filed under Order 9 Rule 13 read with Section 151 of the Code of Civil Procedure, 1908 (CPC).

2. Learned counsel for the appellants submits that the learned Motor Accident Claims Tribunal, Alwar, seriously erred in holding that service on the present appellants was sufficient. He further submits that immediately upon gaining knowledge of the award dated 01.08.2016, the appellants filed an application under Order 9 Rule 13 of CPC, which has been erroneously rejected. He further submits that the appellants were not granted a proper opportunity to contest the case, and therefore prays that the impugned award

dated 12.09.2025, being perverse, may kindly be quashed and set aside.

3. Heard.

4. In view of the submissions made hereinabove, issue notice to the respondents, returnable within six weeks.

5. Requisite PF and notices may be filed in two sets within a period of one week. Upon filing the same, one set be sent by ordinary post and another by registered post.

6. Let the record of the learned Court below be summoned.

7. List the matter after six weeks along with *S.B. Civil Miscellaneous Appeal No.581/2026*.

(MANEESH SHARMA),J