

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 351/2026

The New India Assurance Co. Ltd., Branch Office Khailand Market, Old Kotwali, Ajmer, District Ajmer (Raj.) having Its Regional Office At Nehru Palace, Tonk Road Jaipur Through Its Constituted Attorney.

Insurer Of Bus Number Rj-30-Pa-4141

----Appellant/Non Claimant

Versus

1. Madan Lal Sharma S/o Shri Bhanwar Lal, Aged About 50 Years, Legal Representative Of Deceased-
1/1 Smt Sheela Sharma W/O Late Shri Madan Lal Sharma, Age 53 years
½ Sanjay Sharma S/O Late Shri Madan Lal Sharma, age 37 years
(All Resident Of Village Lotiyana, Tehsil Beawar, District Ajmer, (Raj.)

----Respondents/Claimants

2. Gopal Singh S/o Shri Ram Singh, R/o Village Bhadasi, Ps-Badnore, Tehsil Asind, District Bheelwara (Raj.) (At Present Driver Bus Vehicle No. Rj-30/p.a 4141 (Died)
3. Smt Sugna Singh W/o Shri Chun Singh, R/o Village Amba Ka Badia, Nandavat, Tehsi Bheem, District Rajsamand (Raj.) (At Present Registered Owner Of Bus Vehicle No. Rj-30/p.a-4141

----Respondents/ Non Claimants

For Appellant(s) : Mr. Rishipal Agarwal

For Respondent(s) : -

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

04/05/2026

1. Heard on stay application No. 354/2026.
2. The present civil miscellaneous appeal has been filed by the appellant-Insurance Company against the judgment and award

dated 10.07.2025 passed by learned Motor Accident Claims Tribunal (Additional District and Session Judge No.2), Beawar, District Beawar (hereinafter referred to as the learned 'Tribunal') in M.A.C. No. 130/2018, whereby, the claim petition has been partly allowed and an award of Rs.22,09,682/- along with the interest @ 7.5 % per annum has been passed in favour of the claimant-respondent.

3. Learned counsel appearing on behalf of the appellant-Insurance Company submits that the accident in this case, occurred on 14.11.2016, however, the deceased Madal Lal died during the pendency of the claim petition i.e., after almost three years from the date of accident. Therefore, the death is not related to the so called incident. Learned counsel prays that the effect and operation of the impugned judgment and award dated 10.07.2025 passed by the learned Tribunal be stayed, till the pendency of the appeal.

4. The matter requires consideration.

5. Issue notice to all the respondents by both modes i.e., by ordinary process as well as by registered post, returnable within eight weeks. Requisites be filed within one week.

6. The appellant-Insurance Company is directed to deposit the entire decretal amount, excluding the amount already deposited, if any, along with the interest as awarded vide impugned judgment and award dated 10.07.2025 with the learned Motor Accident Claims Tribunal (Additional District and Session Judge No.2), Beawar, District Beawar within a period of four weeks from today.

7. If the said amount is deposited by the appellant-Insurance Company within the stipulated period, then the effect and operation of the impugned judgment and award dated 10.07.2025 passed by learned tribunal shall remain stayed, till further orders of this Court. The amount so deposited by the appellant-Insurance Company shall be kept in F.D.R. initially for a period of one year in a Nationalized Bank, which would be renewed from time to time and this amount shall not be disbursed without further order of this Court.
8. After service of notice, the claimants-respondents shall be at liberty to file an application for disbursement of the amount so deposited by the appellant-Insurance Company.
9. Accordingly, stay application No. 354/2026 stands disposed of.
10. List the matter after eight weeks.
11. In the meanwhile, record of the Court below be summoned.

(ASHUTOSH KUMAR),J