

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No.1/2025

Smt. Sofiya Kumari Wife Of Late Shri Hariram,

-----Appellant

Versus

Bhupendra Son Of Shri Megh Singh & Others

-----Respondents

Connected With

1. S.B. Cross Objection (civil) No.16/2025
2. S.B. Civil Miscellaneous Appeal No.874/2025
3. S.B. Civil Miscellaneous Appeal No.875/2025

For Appellant(s)	:	Mr. Vinay Mathur Mr. Ashish Mittal
For Respondent(s)	:	Mr. Shovit Jhajharia Mr. Vinod Tyagi (through Video Conferencing)

JUSTICE ANOOP KUMAR DHAND

Order

11/02/2026

1. The matter comes up on an interim application No.01/2025 seeking vacation of the ex parte interim order dated 09.01.2025 passed by the co-ordinate Bench of this Court.

2. Learned counsel for the respondent-applicant-Mahipal submits that a joint claim petition was submitted on account of death of the deceased-Hariram, who is the son of the respondent-applicant-Mahipal and husband of the appellant-Sofiya Kumari. Learned counsel submits that no such objection was taken by the appellant-Sofiya Kumari with regard to entitlement of compensation, in the capacity of "Class-I heir", before the Tribunal and no such issue has been

framed by the Tribunal, but for the first time such an objection was raised by the appellant-Sofiya Kumari before the co-ordinate bench of this Court and the same has been allowed vide order dated 09.01.2025. Learned counsel submits that considering the overall facts and circumstances of the case, the Tribunal has passed an order for grant of compensation of Rs.3,06,12,336/- and the aforesaid amount has been divided roughly half and half in favour of the respondent-applicant-Mahipal and the appellant-Sofiya Kumari. Learned counsel submits that being dissatisfied by the aforesaid award, both the parties approached this Court by way of filing separate appeals. Learned counsel submits that this Court vide order dated 09.01.2025 passed an *ex parte* order by which disbursement of the compensation amount in favour of the respondent-applicant-Mahipal has been stayed.

3. Learned counsel further submits that the applicant is also one of the dependents of the deceased-Hariram as per Section 166 of the Motor Vehicles Act, 1988. Learned counsel submits that because of the aforesaid *ex parte* order, the applicant is not in a position to meet out the daily routine expenses, hence, appropriate orders may be passed for vacation of the aforesaid order.

4. *Per contra*, learned counsel appearing for the appellant-Sofiya Kumari opposed the arguments raised by learned counsel for the respondent-applicant and submitted that the respondent-applicant-Mahipal does not fall within the category of "Class-I heir" of the deceased-Hariram, hence, he

is not entitled to get such an exorbitant amount in his favour, as awarded by the Tribunal.

He, thus, submits that considering the overall facts and circumstances of the case, the co-ordinate bench of this Court, vide order dated 09.01.2025, has passed a cogent and reasoned order, which is not required to be modified or vacated.

5. Perusal of the impugned award indicates that while passing the aforesaid award, the Tribunal has directed that a sum of Rs.16,12,336/- be deposited in the savings bank account of the appellant-Sofiya Kumari. At the same time, a direction has also been issued by the Tribunal to deposit a sum of Rs.10,00,000/- in the savings bank account of the respondent-applicant-Mahipal and the rest of the amount has been ordered to be deposited in different Fixed Deposits for different periods of 3, 5, 7 and 10 years.

6. Heard. The matter requires consideration.

7. Considering the overall facts and circumstances of the case and looking to the fact that the respondent-applicant-Mahipal is father of the deceased, this Court is of the considered opinion that he is also entitled to get compensation.

8. Now, the question that remains for consideration of this Court is with regard to the proportionate share of compensation to be distributed amongst the appellant-Sofiya Kumari and the respondent-applicant-Mahipal is to be decided in the appeal.

9. This Court deems it just and proper to issue directions to the Tribunal to disburse Rs.10,00,000/-, to the respondent-applicant-Mahipal, which has been ordered to be deposited in his savings bank account, forthwith without any further delay.

10. Looking to the fact that the respondent-applicant is father of the deceased and the appellant is wife of the deceased, they are inter-related and family members, therefore, in order to explore the possibility of settlement between the parties, let the matter be referred to Mediation Centre.

11. The parties are directed to appear before the Mediation Centre on 24.02.2026.

12. It has been apprised to this Court that the appellant-Sofiya Kumari is serving and presently residing in France, therefore, she is permitted to appear before the Mediation Centre through Video Conferencing.

13. The Tribunal is directed to remit the record to this Court after doing the needful exercise of disbursement of the amount in favour of the respondent-applicant-Mahipal.

(ANOOP KUMAR DHAND),J