

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 466/2026

United India Insurance Company Limited and Anr.

----Appellant

Versus

Samsu S/o Sh. Madiya and Ors.

----Respondents

For Appellant(s) : Mr. Lokesh Parihar

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

23/02/2026

1. Counsel appearing on behalf of the appellants-Insurance Company of the vehicle bearing No. GJ-02-XX-6192 submits that the deceased was sleeping on the roadside and the instant vehicle i.e. truck No. GJ-02-XX-6192 was parked on the roadside as well but the offending vehicle bearing Engine No. 81C84466750 and Chasis No. MAT448854JAC07510 was driven by its driver in a rash and negligent manner and the same collided with the aforesaid truck No. GJ-02-XX-6192 which resulted in the death of the deceased. Counsel submits that the offending vehicle was neither registered nor carrying any permit to ply on the road. Counsel submits that inspite of above, the liability has been fastened upon the Insurance Company of the instant vehicle. Counsel submits that all these facts have been overlooked by the Tribunal while passing the impugned award in favour of the claimants.
2. Heard. The matter requires consideration.

3. Issue notice of the appeal as well as stay application to the respondents. Rule is made returnable by six weeks.
4. In the meantime, the effect and operation of the impugned award dated 04.10.2025 shall remain stayed, provided that the appellants-Insurance Company deposits the entire amount of the compensation along with interest with the Tribunal, within a period of four weeks from today.
5. The Tribunal is directed to disburse 75% of compensation amount to the claimants in terms of the direction and condition of impugned award, after taking their undertaking on record to the effect that they will return the amount so received by them along with @6% interest, in case, the present appeal, submitted by the appellants-Insurance Company, is allowed and the impugned award is set aside.
6. The Tribunal is further directed not to disburse the remaining 25% of the compensation amount to the claimants without seeking prior permission of the Court and the same shall be kept in FDR in any nationalized bank.
7. This order shall come into effect only after service upon the respondents.
8. Notices be given '*dasti*'.
9. The respondents shall be at liberty to move an appropriate application for vacation of this order after service.
10. Let a copy of this order be sent to the respondents along with notices.

11. The Tribunal is directed to send the record immediately after disbursing the amount to the claimants as directed above in the present order.

(ANOOP KUMAR DHAND),J

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