HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 121/2014
URN: CMA / 187U / 2014

Shri Ram General Insurance Co. Ltd. Through Manager, Corporate office, E/8 EPIP, RIICO Industrial Area, Sitapura, Jaipur through its Constituted Attorney.

----Appellant/Non-Claimant

Versus

1. Smt. Anita Devi W/o Late Shri Pawan Kumar, aged 33 years. (Wife of deceased)
2. Raghuveer S/o Late Shri Dungar Singh, Aged 66 years (Father of deceased)
3. Smt. Vimla Devi W/o Mr. Raghuveer, Aged 63 years (Mother of deceased)
4. Navin Kumar S/o Late Mr. Pawan Kumar, aged 14 years (Son of deceased)
5. Nitesh Kumar S/o Late Mr. Pawan Kumar, aged 11 year (Son of deceased)

(Respondent no. 4 & 5 being minor, through natural Guardian and mother Smt. Anita Devi)

All R/o: Village Bhandari, Tehsil Khetri, Dist. Jhunjhunu. At present R/o House No. 30/98, Sector No. 8, Pratap Nagar, Sanganer, Jaipur.

----Respondent/Claimants

6. Vindo Singh S/o Mr. Kishor Singh, Age 34 years, R/o Village Moraya, Tehsil Bamanwas, Dist.- Sawaimodhopur (Raj.) (Driver Truck No. RJ–14–GA–5398)
7. Dinesh Kumar Soni S/o Mr. Jagdish Kumar Soni, R/o House No. 33 New Colony, Khatipura Road, Jhotwara, Jaipur. (Agreement Holder owner Truck No. RJ–14–GA–5398)
8. Kailash Chand Mali S/o Mr. Bhanwarlal Mali, R/o. Ringas Road, Chaumu, Distt. Jaipur. (Registered Owner Truck No. RJ 14–GA–5398)
9. Hanuman Singh S/o Mr. Ramdayal, Age 20 years, R/o. Village Mohbbatpura, Naya Ganw, Sadar Police Station, Tonk Raj. (Driver Truck No. RJ 14–1G–6705)
10. Dinesh Kumar Soni S/o Mr. Jagdish Kumar Soni, R/o. House No. 33 New Colony, Khatipura Road, Jhotwara, Jaipur. (Registered Owner Truck No. RJ 14–1G–6705)
11. Bajaj Alainze General Insurance Co. Ltd. through Manager,

C–Scheme, Jaipur. (Policy validity Date: 12.4.2008 to 11.4.2009. Insurance Company Truck No. RJ 14–1G–6705)

----Respondents/Non-Claimants

Connected With

S.B. Civil Miscellaneous Appeal No. 127/2014
URN: CMA / 196U / 2014

Bajaj Allianz General Insurance Company Ltd., having its registered office at GE Plaza, Airport Road, Yerawada, Pune (Maharashtra) and having its Regional Office at O-12A, Ashok Marg, C-Scheme, Jaipur through its Constituted Attorney/Authorized Signatory. (Insurance Company of Vehicle Truck No. RJ 14–1G–6705)

----Appellant/Non-Claimant No.7

Versus

1. Smt. Anita Devi W/o Late Shri Pawan Kumar, aged 33 years. (Wife of deceased)
2. Raghuveer S/o Late Shri Dungar Singh, Aged 66 years (Father of deceased)
3. Smt. Vimla Devi W/o Shri Raghuveer, Aged 63 years (Mother of deceased)
4. Navin Kumar S/o Late Mr. Pawan Kumar, aged 14 years (Son of deceased)
5. Nitesh Kumar S/o Late Mr. Pawan Kumar, aged 11 year (Son of deceased)

(Respondent no. 4 & 5 are minor through natural Guardian and mother Smt. Anita Devi)

All R/o: Village Bhadri, Tehsil Khetri, Dist. Jhunjhunu. Presently residing at House No. 30/98, Sector-8, Pratap Nagar, Sanganer, Jaipur.

----Respondents/Claimants

6. Vinod Singh S/o Shri Kishore Singh, Age about 24 years, R/o Village Morya, Tehsil Bamanwas, Dist.- Sawaimodhopur (Raj.) (Driver of Vehicle Truck No. RJ–14–GA–5398)
7. Dinesh Kumar Soni S/o Shri Jagdish Kumar Soni, R/o House No. 33 New Colony, Khatipura Road, Jhotwara, Jaipur. (Agreement Holder owner Truck No. RJ–14–GA–5398)
8. Kailash Chand Mali S/o Shri Bhanwar Lal Mali, R/o. Ringus Road, Chomu, Distt. Jaipur. (Registered Owner Truck No. RJ 14–GA–5398)
9. Shriram General Insurance Co. Ltd. Through Regional

Manager, Sitapura, Jaipur (Policy Validity date 25.03.2009 to 24.03.2010) (Insurance Company of Vehicle Truck No. RJ 14-GA-5398)
10. Hanuman Singh S/o Shri Ramdayal, Aged about 20 years, R/o. Village Mohabbatpura, Naya Gaon, Police Station Sadar, Tonk Raj. (Driver of Vehicle Truck No. RJ 14–1G–6705)
11. Dinesh Kumar Soni S/o Shri Jagdish Kumar Soni, R/o House No. 33 New Colony, Khatipura Road, Jhotwara, Jaipur. (Registered Owner of Vehicle Truck No. RJ 14–1G–6705)

----Respondents/Non-Claimant Nos.1 to 6

S.B. Civil Miscellaneous Appeal No. 1946/2014
URN: CMA / 2958U / 2014

1. Anita Devi W/o Late Shri Pawan Kumar, aged 38 years,
2. Raghuveer S/o Late Shri Dungar Singh, Aged 71 years,
3. Vimla Devi W/o Shri Raghuveer, Aged 68 years,
4. Navin Kumar S/o Late Shri Pawan Kumar, aged 19 years,
5. Nitesh Kumar S/o Late Shri Pawan Kumar, aged 16 years, minor through her mother and natural Guardian Smt. Anita Devi W/o Late Shri Pawan Kumar

All R/o: Village Bhandari, Tehsil Khetari, District Jhunjhunu at present R/o House No. 30/98, Sector No.8, Pratap Nagar, Sanganer, Jaipur.

----Claimants/Appellants

Versus

1. Vinod Singh S/o Mr. Kishore Singh, R/o Village Morya, Tehsil Bamanwas, Dist.- Sawaimodhopur (Driver Truck No. RJ–14–GA–5398)
2. Dinesh Kumar Soni S/o Jagdish Kumar Soni, R/o House No. 33 New Colony, Khatipura Road, Jhotwara, Jaipur. (owner by agreement of Truck No. RJ–14–GA–5398)
3. Kailash Chand Mali S/o Mr. Bhanwar Lal Mali, R/o. Reengus Road, Chomu, District Jaipur. (Registered Owner of Truck No. RJ 14–GA–5398)
4. Shriram General Insurance Co. Ltd., having its Regional Office at EPIP, Sitapura Industrial Area, Jaipur Through its Regional Manager (Insurance Company of Vehicle Truck No. RJ 14-GA-5398)
5. Hanuman Singh S/o Mr. Ramdayal, R/o. Village Mohavvatpura, Naya Gaon, Thana Sadar, Tonk (Driver of Truck No. RJ 14–1G–6705)

6. Dinesh Kumar Soni S/o Jagdish Kumar Soni, R/o. House No. 33 New Colony, Khatipura Road, Jhotwara, Jaipur. (Registered Owner of Truck No. RJ 14–1G–6705)
7. Bajaj Allianz General Insurance Company Ltd., having its regional office at Ashok Marg, Near Ahinsa Circle, C-Scheme, Jaipur through its regional Manager. (Insurance Company of Truck No. RJ 14–1G–6705)

----Non-Claimants/Respondents

For Appellant(s)	:	Mr. Bhanu Prakash, Adv. for Mr. Om Prakash Gupta, Adv. for Insurance Company Mr. Dhairya Agarwal, Adv. for Mr. Sandeep Pathak, Adv. for Insurance Company
For Respondent(s)	:	Mr. Vinay Mathur, Adv. for Claimants Mr. Ram Sharan Sharma, Adv.

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

07/07/2026

1. All these appeals have been filed against the impugned judgment and award dated 08.10.2013 passed by learned Motor Accident Claims Tribunal and Additional District Judge No.14, Jaipur Metropolitan, Jaipur (hereinafter referred to as the learned 'Tribunal') in MAC Case No.140/2012(1165/2009), whereby, the claim petition filed by the claimants has been partly allowed and an award of Rs.18,04,772/- along with the interest @ 6% per annum has been passed in their favour.

2. Both the Insurance Companies have filed S.B. Civil Miscellaneous Appeal Nos.121/2014 and 127/2014 for quashing and setting aside the impugned judgment and award; whereas, the claimants have filed S.B. Civil Miscellaneous Appeal No.1946/2014 for enhancement of the impugned award.

3. At the very outset, learned counsel for the claimants and both the Insurance Companies submit that during the pendency of these appeals, the parties have amicably settled their dispute by way of compromise and memo of compromise dated 01.07.2026, duly signed by learned counsel for all the parties, has been placed on record, which is reproduced as under:-

> "2. That now the Appellant Claimants and the Respondent Insurance Companies (Respondent No. 4 {Shriram General Insurance Company} and Respondent No. 7 {Bajaj Allianz General Insurance Company}) have agreed to enter into an amicable compromise to end up the litigation in between them with the following terms:
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> a. That a lump-sum amount of Rs. 6,00,000/- (Six lakh) (including interest) as an additional and above the amount as awarded by MACT Jaipur shall be paid to the claimant Appellant by both insurance company within 2 months from today i.e. from date of passing the order by the Hon'ble High Court as full and final settlement of appeal and award with claimants.
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> b. That it is further made clear that out of Rs. 6,00,000/- (Six lakh), 50% of the amount i.e. Rs. 3,00,000 (Three lakh) shall be paid to the claimant by Respondent No. 4, Shriram General Insurance Company and rest 50% of the amount i.e. Rs. 3,00,000 (Three lakh) shall be paid by Respondent No. 7, Bajaj Allianz General Insurance Company.
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> c. That the entire amount (Rs. 6,00,000/-) deposited by both the insurance companies will be disbursed to the Claimant No. 1 only vide her saving bank account.
>
> d. That if the Insurance companies fails to deposit the amount in the stipulated time frame of 2 months from passing of compromise order, then the compromise

amount will bear an interest @ 9% per annum from the date of filing the claim petition till its realization.

e. That both the Insurance companies will also withdraw their respective appeals filed before this Hon'ble Court and the amount as per the award dated 08.10.2013 passed by the learned Motor Accident Claim Tribunal, Jaipur in MAC case number 140/2012 (1165/2009) will also be disbursed to the living claimants through their saving bank accounts.

3. That both the parties i.e. Appellant Claimant and the Both the Respondents Insurance Companies (Respondent No. 4 & 7) have agreed to abide by the compromise."

4. In view of the aforesaid compromise, learned counsel appearing on behalf of both the Insurance Companies want to withdraw S.B. Civil Miscellaneous Appeal Nos.121/2014 and 127/2014 respectively, whereas, learned counsel for the claimants as well as Insurance Companies jointly pray that S.B. Civil Miscellaneous Appeal No.1946/2014 may be disposed of, in the light of the memo of compromise dated 01.07.2026.

5. In view of the prayer made on behalf of learned counsel appearing on behalf of the Insurance Companies, S.B. Civil Miscellaneous Appeal Nos.121/2014 and 127/2014 are dismissed as withdrawn.

6. So far as S.B. Civil Miscellaneous Appeal No. 1946/2014 is concerned, the same is disposed of in view of the memo of compromise dated 01.07.2026. The impugned judgment and award dated 08.10.2013 passed by learned Motor Accident Claims Tribunal and Additional District Judge No.14, Jaipur Metropolitan, Jaipur in MAC Case No.140/2012 is modified accordingly. It is

made clear that if the Insurance Company fails to make the payment as per the terms of memo of compromise dated 01.07.2026, in favour of the claimants within a period of two months from the date of receipt of certified copy of this order, the claimants shall be entitled to get the interest @ 9% per annum on the aforesaid amount.

7. The terms of memo of compromise dated 01.07.2026 shall be treated as an integral part of this order.

8. Any pending applications also stand disposed of.

(ASHUTOSH KUMAR),J

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