HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 3079/2018
CNR: RJHC020598802018 | URN: CMA / 4823U / 2018

Raliance General Insurance Company Limited, Now, Indusind General Insurance Company Limited, Having Office At 503, 5Th Floor, Ever Shine Tower, Amrapali Circle, Vaishali Nagar, Jaipur-302021, Rajasthan. (Insurance Company Of Vehicle Crane No. Rj-20-E.a.-0921), (Policy No. 2608712343000321, Insurance Period From 18.08.2011 To 17.08.2012)

----Appellant/Non-claimant

Versus

1. Smt Manju Devi, Aged About 40 Years, W/o Late Shri Sampatlal
2. Anil Kumar S/o Late Shri Sampatlal, Aged About 22 Years, R/o 97 Purushottam Nagar, Maliyon Ki Badi, Kishangarh, District Ajmer, At Present Jagpura Ki Dhandi, Nasirabad, Ajmer
3. Pooja, Aged About 18 Years, D/o Late Shri Sampatlal
4. Preetam S/o Late Shri Sampatlal, Aged About 14 Years, Minor, Represented Through Natural Guardian Mother Smt. Manju Devi, R/o 97, Purushottam Nagar, Maliyon Ki Badi, Kishangarh, District Ajmer, At Present Jagpura Ki Dhandi, Nasirabad, Ajmer.

----Claimants/Respondents

5. Pooranmal S/o Shri Jagannath, Aged About 27 Years, R/o Village Mandola, Tehsil Deegod, District Kota, Rajasthan. (Driver Of Vehicle Crane No. Rj-20-E.a.- 0921)
6. Bhagchand Sahu S/o Shri Surajkaran, R/o 59, Nai Dhan Mandi, D.c.m. Road, Kota. (Registered Owner Of Vehicle Crane No. Rj-20- E.a.- 0921)
7. National Insurance Company Limited, Jhalawar Road, Kota (Divisional Office Ajmer, Office Patwari, (Above P.n.b.), First Floor, M.g. Marg, Ajmer-305001. National Insurance Company Limited, Jaipur, Cover Note No.- A-1226406), (Insurance Company Of Trailer No. Tata 3015, Vehicle No. Hr-55-B-4485), (Insurance Period From 23.10.2010 To 22.10.2011).

----Non-claimants/Respondents

Connected With

S.B. Civil Miscellaneous Appeal No. 3101/2018
CNR: RJHC020575162018 | URN: CMA / 4866U / 2018

National Insurance Company Limited, Jhalawar Road, Kota (Divisional Office Ajmer, Office Patwari, (Above P.n.b.), First Floor, M.g. Marg, Ajmer-305001. Having Its Regional Office At Jeevan Nidhi, Second Floor, Ambedkar Circle, Bhawani Singh Raod, Jaipur Through Its Constituted Attorney (Cover Note No.- A-1226406), (Insurance Company Of Trailer No. Tata 3015, Vehicle No. Hr-55-B-4485), (Insurance Period From 23.10.2010 To 22.10.2011).

----Appellant/Non-claimant

Versus

1. Smt. Manju Devi, Aged About 40 Years, W/o Late Shri Sampatlal
2. Anil Kumar S/o Late Shri Sampatlal, Aged About 22 Years, R/o 97 Purushottam Nagar, Maliyon Ki Badi, Kishangarh, District Ajmer, At Present Jagpura Ki Dhandi, Nasirabad, Ajmer
3. Pooja, Aged About 18 Years, D/o Late Shri Sampatlal
4. Preetam S/o Late Shri Sampatlal, Aged About 14 Years, (Minor, Represented Through Natural Guardian Mother Smt. Manju Devi, R/o 97, Purushottam Nagar, Maliyon Ki Badi, Kishangarh, District Ajmer, At Present Jagpura Ki Dhandi, Nasirabad, Ajmer.)

----Claimants/Respondents

5. Pooran Mal S/o Shri Jagannath, Aged About 27 Years, R/o Village Mandola, Tehsil Deegod, District Kota, Rajasthan. (Driver Of Vehicle Crane No. Rj-20-E.a.- 0921)
6. Bhagchand Sahu S/o Shri Surajkaran, R/o 59, Nai Dhan Mandi, D.c.m. Road, Kota. (Registered Owner Of Vehicle Crane No. Rj-20- E.a.- 0921)
7. Reliance General Insurance Company Limited, Now, Indusind General Insurance Company Limited, Having Office At 503, 5Th Floor, Ever Shine Tower, Amrapali Circle, Vaishali Nagar, Jaipur- 302021, Rajasthan. (Insurance Company Of Vehicle Crane No. Rj-20-E.a.- 0921), (Policy No. 2608712343000321, Insurance Period From 18.08.2011 To 17.08.2012)

----Non-claimants/Responents

S.B. Civil Miscellaneous Appeal No. 3861/2018
CNR: RJHC020700762018 | URN: CMA / 6125U / 2018

1. Smt. Manju Devi, Aged About 40 Years, W/o Late Shri Sampatlal
2. Anil Kumar S/o Late Shri Sampatlal, Aged About 22 Years, R/o 97 Purushottam Nagar, Maliyon Ki Badi, Kishangarh, District Ajmer, At Present Jagpura Ki Dhandi, Nasirabad, Ajmer.
3. Pooja, Aged About 18 Years, D/o Late Shri Sampatlal
4. Pritam S/o Late Shri Sampatlal, Aged About 14 Years, (Minor, Represented Through Natural Guardian Mother Smt. Manju Devi, R/o 97, Purushottam Nagar, Maliyon Ki Badi, Kishangarh, District Ajmer, At Present Jagpura Ki Dhandi, Nasirabad, Ajmer).

----Claimants/Appellants

Versus

1. Pooran Mal S/o Shri Jagannath, Aged About 27 Years, R/o Village Mandola, Tehsil Deegod, District Kota, Rajasthan. (Driver Of Vehicle Crane No. Rj-20-E.a.- 0921)
2. Bhagchand Sahu S/o Surajkaran, R/o 59, Nai Dhan Mandi, D.c.m. Road, Kota. (Registered Owner Of Vehicle Crane No. Rj-20- E.a.- 0921)
3. Reliance General Insurance Company Limited, Now, Indusind General Insurance Company Limited, Having Office At 503, 5Th Floor, Ever Shine Tower, Amrapali Circle, Vaishali Nagar, Jaipur- 302021, Rajasthan. (Insurance Company Of Vehicle Crane No. Rj-20-E.a.- 0921), (Policy No. 2608712343000321, Insurance Period From 18.08.2011 To 17.08.2012)
4. National Insurance Company Limited, Jhalawar Road, Kota (Divisional Office Ajmer, Office Patwari, (Above P.n.b.), First Floor, M.g. Marg, Ajmer-305001. National Insurance Company Limited, Jaipur, Cover Note No.- A-1226406), (Insurance Company Of Trailer No. Tata 3015, Vehicle No. Hr-55-B-4485), (Insurance Period From 23.10.2010 To 22.10.2011).

----Non-claimants/Respondents

For Appellant(s)	:	Mr. Rizwan Ahmed for appellant in CMA No.3079/2018 Mr. Rishipal Agarwal for appellant in CMA No.3101/2018 Mr. Ram Singh Rathore for claimant/appellant in CMA No.3861/2018
For Respondent(s)	:	Mr. Ram Singh Rathore for claimant in CMA No.3079/2018 & 3101/2018 Mr. Rishipal Agrawal for respondent No.7 in CMA No.3079/2018 and for respondent No.4 in CMA No.3861/2018 Mr. Rizwan Ahmed for respondent No.7 in CMA No.3101/2018 and respondent No.3 in CMA No.3861/2018 Mr. Shailesh Prakash Sharma for respondent No.6 in CMA No.3079/2018 & 3101/2018 and respondent No.2 in CMA No.3861/2018

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

04/08/2026

1. Three separate applications (IA No.1/2026) have been filed in all the three appeals for changing the name of the applicant from Reliance General Insurance Company Limited to IndusInd General Insurance Company Limited.

2. Having regard to the submissions made by counsel for the applicant and the averments made in the applications and so also no objection from the other side, the Court deems it just and proper to allow the change of name of the appellant/insurance company.

3. Accordingly, the application is allowed. The amended cause-titles filed alongwith applications are also taken on record.

4. All these three appeals are arising out of common award dated 21.04.2018 passed by the learned Motor Accident Claims Tribunal No.2, Kota (for short "the learned Tribunal") in Claim Case No.03/2018. The appeal No.3079/2018 has been filed by the insurance company/Reliance General Insurance Company Limited with a challenge to the award of the learned Tribunal for compensation in favour of the claimants/respondents. The appeal No.3101/2018 was also filed by insurance company/National Insurance Company Limited with a challenge to the compensation award passed by the learned Tribunal in favour of the claimants/respondents. Another appeal No.3861/2018 has been filed by the claimants for enhancement of the compensation amount.

5. Learned counsel appearing for the parties in all the three appeals state that after due deliberation between them, they have arrived at a settlement/compromise which has been placed on record.

6. The terms and conditions of the compromise arrived at between the parties are as under:-

> "The humble appellants-claimants (Manju Devi etc.), Reliance General Insurance Company Limited (now known as Indusind General Insurance Company Limited) (respondent-non-claimant No.3) and others and National Insurance Company Limited (respondent non-claimant No.4) & Ors. Have entered into compromise on the following terms and mentioned as under:-
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> 1. That the appeal (S.B. Civil Misc. Appeal No.3861/2018) filed by the appellants-claimants (Smt.

Manju Devi & Ors.) is agreed to be withdrawn without there being any further claim or enhancement from the respondent No.3 i.e. Regliance General Insurance Company Limited & respondent No.4 National Insurance Company Limited & others.

2. That the appeal filed by the Regliance General Insurance Company Limited (known as Indusind General Ins. Co. Ltd.) S.B. Civil Misc. Appeal No.3079/2018 is also agreed to be withdrawn with the agreement that no further amount shall be claimed by claimants (Smt. Manju Devi etc.) or any other respondent including National Insurance Company from Reliance General Insurance Company (now known as Indusind General Ins. Co. Ltd.). The award amount awarded by the concerned tribunal (MACT No.2, Kota) in MAC Case No.03/2018, titled Smt. Manju Devi & Ors. Versus Pooranmal & Others decided on 21.04.2018 (Rs.23,75,398/- including the amount of "No fault liability" alongwith interest as mentioned in the judgment dted 21.04.2018) so recovered from or deposited by Reliance General Insurance Company Limited shall be full & final settlement of the claim.

3. That the appeal filed by the National Insurance Company Limited (S.B. Civil Misc. Appeal No.3101/2018) also agreed to be withdrawn/disposed with the agreement that National Insurance Company shall be entitled for amount deposited in compliance of under Section 173 of the M.V. Act for filing the appeal, i.e. Rs.25,000/- before the concerned tribunal, be refunded. Further out of the amount so recovered or deposited by Reliance General Insurance Company Limited (now known as "indusind General Ins. Co. Ltd.) towards this claim/award dated 21.04.2018, a sum of Rs.25,000/- only without any interest thereupon (Rs. Twenty Five Thousand only) shall be paid to National Insurance Company and entire remaining amount be deposit/paid to the claimants (Smt. Manju Devi etc.) through their JOINT BANK ACCOUNT NO. 84112010012446, SYNDICATE BANK, BRANCH NAYAPURA, HOTEL NAVRANG, CIVIL LINES, KOTA with immediate effect i.e. on filing the certified copy of the order of this compromise before the concerned tribunal.

4. The cheque/amount deposited by the Reliance General Insurance Company Limited (now known as

> "Indusind General Insurance Company Ltd.") in compliance under section 173 of the M.V. Act, 1988 i.e. Rs.25,000/- only beyond the entire award amount alongwith interest so recovered by back attachment, may be returned to the Reliance General Insurance Company Limited which is now known as "Indusind General Insurance Company Limited."

7. In view of the compromise arrived at between the parties which has been placed on record, these three appeals are disposed of in terms and conditions of the compromise. All the parties are to comply with the terms and conditions of the compromise.

8. Any breach of the terms and conditions of compromise will be treated to disobedience of the Court's order.

9. Record of the learned Tribunal be sent back.

10. Stay applications as well as pending application/s, if any, also stand disposed of.

11. A copy of this order be placed in each file.

(GANESH RAM MEENA),J

184-186/Ashish Kumar