

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Miscellaneous Appeal No. 537/2026

National Insurance Company Limited, Through Tp Hub Sun
Tower, Pal Road Jodhpur

----Appellant

Versus

1. Smt. Sheela W/o Sukhpal, Aged About 38 Years, Through
Natural Guardian Mother Smt. Sheela Ward No. 5
Aangucha, Ps Gulabpura, Dist Bhilwara
2. Madhvi D/o Sukhpal, Aged About 10 Years, Ward No. 5
Aangucha, Ps Gulabpura, Dist Bhilwara
3. Geeta, Aged About 65 Years, Ward No. 5 Aangucha, Ps
Gulabpura, Dist Bhilwara
4. Ratan Lal S/o Heera Lal, Aged About 71 Years, Ward No. 5
Aangucha, Ps Gulabpura, Dist Bhilwara
5. Idrish Mohammad S/o Aziz Mohammad, Aged About 51
Years, 786 Near Choudhary Bhawan Kothiya Tehsil Phuliya
Kalan Dist. Bhilwara (Owner Cum Driver)

----Respondents

For Appellant(s) : Mr. Anil Kaushik.

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

29/04/2026

1. It is contended by learned counsel for the appellant that, as per the averments on record, the deceased himself was driving the vehicle at the time of the incident and it is a settled principle of law that the driver or occupant of the vehicle cannot be treated as a third party. Furthermore, it is submitted that the Insurance Company had not charged any premium to cover the risk of the driver of the said vehicle. It is also argued that the learned

Tribunal has also failed to properly assess the quantum of compensation, which has been determined on the higher side.

2. The matter requires consideration.
3. Issue notice. Issue notice of stay application also.
4. List after eight weeks.
5. Call for the record.
6. Meanwhile, effect and operation of the impugned judgment and award dated 19.09.2025 passed by the learned Judge, Motor Accident Claims Tribunal, Shahpura, District Bhilwara in Motor Accident Claim Case No.119/2019 (CIS No.119/2019) shall remain stayed.

(MUKESH RAJPUROHIT),J