

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

S.B. Civil Misc. Appeal No. 576/2026

Sanwarlal S/o Radheshyam, Aged About 34 Years, Balai Mohalla,
Dorai, Tehsil Kekri, District Ajmer.

----Appellant

Versus

1. Ms. Tanjim Banu D/o Mohammad Hanif, Ward No. 13,
Chaman Chourha, Jahazpur, District Bhilwara.
2. IFFCO Tokio General Insurance Company, Registered
Office- 4, 5 Floor, IFFCO Tower, Plot No. 3, Sector No. 29,
Gurugram, Haryana, Through Branch Office- B-Ground
Floor, Mehta Bhawan, Ashok Nagar, Main Road, Udaipur.
3. Gajanand S/o Atma Ram, Village Rajnagar, Tehsil Devli,
District Tonk.
4. United India Insurance Company Limited, Through
Divisional Manager, United India Insurance Company
Limited, Branch Office Rajendra Marg, Bhilwara.
5. Ms New Malwa Transport Company, Registered, Through
Partner Avatar Singh S/o Rai Bindra Singh R/o House No.
684, Model Town, Phase 111, Bhatinda Punjab.
6. Ms New Malwa Transport Company, Registered, Through
Partner Avatar Singh S/o Rai Bindra Singh R/o House No.
684, Model Town, Phase 111, Bhatinda Punjab.
7. Deshraj S/o Ramdeva, Gram Phalodi, Rawanjana Dungar,
District Sawai Madhopur.

----Respondents

For Appellant(s)	:	Mr. Nikhil Ajmera Mr. Lokendra Singh Chundawat
For Respondent(s)	:	-

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

09/03/2026

1. Learned counsel for the appellant submits that the document (Exhibit-A/4) was filed on record by the Insurance Company on 14.11.2024 i.e. after the evidence of the owner having been completed and therefore, the owner did not have any chance to contradict the said document.

2. Counsel further submits that the onus was discharged by the owner while proving that he acted with due diligence in appointing the driver after considering his driving license (Exhibit-214).
3. In view of the submissions made, Admit. Issue notice. Issue notice of stay application also.
4. Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the appellant for service through registered post acknowledgment due.
5. Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.
6. Notices be made returnable within a period of six weeks.
7. Meanwhile, the respondent-Insurance company shall be restrained from recovering the award amount as paid by it to the claimant, from the appellant-owner.

(MUKESH RAJPUROHIT),J