

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

S.B. Civil Misc. Appeal No. 759/2026

The Oriental Insurance Company Limited, Branch Kachari Road
Jalore Through Competent Authority Dy. Manager And Head Of
Legal Hub Vijay Vyas S/o Shri A.I. Vyas Aged 57 Years Divisional
Office Jodhpur Insurance Company For Tempo No. Rj-46-Pa-
1592 (Non Claimant/ Insurance Company)

----Appellant

Versus

1. Lrs Of Smt. Sadno Devi W/o Sawa Ram, R/o Meghwalo Ka Bass Daspa, Tehsil- Bhinmal, District- Jalore. Through Her Legal Heirs Claimant
2. Shankar Ram S/o Sawa Ram, R/o Meghwalo Ka Bass Daspa Tehsil Bhinmal District Jalore Claimant
3. Narana Ram S/o Sawa Ram, R/o Meghwalo Ka Bass Daspa Tehsil Bhinmal District Jalore Claimant
4. Guman Mal S/o Sawa Ram, R/o Meghwalo Ka Bass Daspa Tehsil Bhinmal District Jalore Claimant
5. Parsa Ram S/o Jhuta Ram, R/o Daspa Tehsil Bhinmal District Jalore Driver Of Tempo No Rj-46-Pa-1592
6. Sawala Ram S/o Faglu Ram, R/o Navapura Chompvatan Tehsil Bhinmal District Jalore Owner Of Tempo No Rj-46-Pa-1592

----Respondents

For Appellant(s) : Mr. Dinesh Kumar Joshi
Mr. Shashi Vaishnav
Mr. Gaurang Deora

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/02/2026

1. Learned counsel for the appellant submits that while adjudicating the claim petition, the learned Tribunal has taken the view that the deceased was travelling as gratuitous passenger in a goods vehicle in contravention of the terms and conditions of the insurance policy, and has thereby treated the same as a violation of the policy. However, while exonerating the insurance company

from its liability, the Tribunal erred in issuing direction to pay and recover against the appellant.

2. The matter requires consideration.
3. Admit.
4. Issue notice to respondent(s), returnable within six weeks.
5. Meanwhile, effect and operation of the impugned judgment and award dated 04.11.2025 passed by the Motor Accident Claims Tribunal (Family Court), Jalore in M.A.C. Case No.44/2019, shall remain stayed qua the appellant subject to the condition that the appellant - Insurance Company deposits 50% of the amount (with interest) as awarded by the Tribunal within a period of eight weeks. The amount so deposited shall be disbursed to the claimants by the Tribunal in accordance with law.
6. Upon deposit, the amount shall be disbursed to the claimant-respondents in terms of the award.
7. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent-claimants shall be free to proceed with the execution of the impugned award.
8. List after eight weeks.

(MUKESH RAJPUROHIT),J