

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

S.B. Civil Misc. Appeal No. 1065/2020

Icici Lombard General Insurance Co. Ltd., Registered Office -
Icici Bank Towers, Bandra - Kurla Complex, Post Mumbai
400051, Through Local Insurance Office, Ground Floor Aprm
Tower, Plot No. 947, 10Th D Road, Sardarpura, Jodhpur.

----Appellant

Versus

1. Sandeep Kumar S/o Moolchand, Aged About 35 Years,
R/o Balotra, Tehsil Pachpadra, District Barmer, Rajasthan.
2. Omprakash Vishnoi S/o Motiram, R/o Pur, Tehsil Saanchor,
District Jalore. (Driver Of The Offending Vehicle)
3. Bhikha Bhai S/o Galba Bhai Vanjara, R/o Vanjara Vaas,
Sabarmati, Post Ahmedabad (Gujarat) (Owner Of The
Offending Vehicle)

----Respondents

For Appellant(s)	:	Mr. Mehul Kothari for Mr. Vinay Kothari through VC.
For Respondent(s)	:	

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

09/12/2020

It is submitted by learned counsel for the appellant that the Tribunal was not justified in discarding the statement of appellant's witness qua the insurance cover note (Exhibit-9), which was claimed to be a forged document.

It was submitted that the officer of the Insurance Company has categorically stated in his statement regarding the cover note being forged, however, only on account of the fact that the officer could not indicate as to whom the cover note book, from which

the document (Exhibit-9) was purportedly issued, was issued, the Insurance Company has been held liable, which is not justified.

In view of the submissions made, admit. Issue notice. Issue notice of the stay application also, returnable within a period of six weeks.

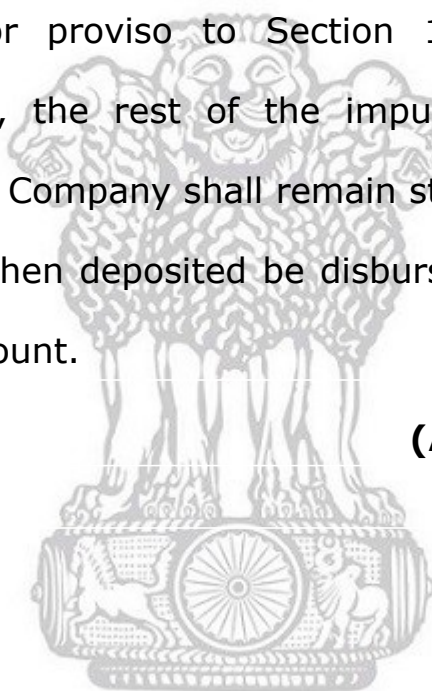
Notices when issued be given 'dasti' to learned counsel for the appellant.

In the meanwhile and until further orders, if appellant-Insurance Company deposits a sum of Rs. 1,50,000/- along with interest as awarded by the Tribunal within a period of six weeks, after taking into consideration any amount deposited under Section 140 and/or proviso to Section 173(1) of the Motor Vehicles Act, 1988, the rest of the impugned award qua the appellant-Insurance Company shall remain stayed.

The amount when deposited be disbursed to the claimant in his saving bank account.

(ARUN BHANSALI),J

5-Sachin/-



सत्यमेव जयते