

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

S.B. Civil Misc. Appeal No. 1049/2026

United India Insurance Company Ltd., TP Hub 74 A Bhati N Plaza
Pal Road Jodhpur District Jodhpur Through Its Manager
Insurance Company

----Appellant

Versus

1. Smt. Laxmi Devi W/o Late Shri Rodilal, Tali Kheda Chhapli
Tehsil Bhim District Rajsamand (Wife Of Deceased Rodilal)
(Claimant)
2. Shri Vijay Kumar S/o Kishanlal, Kamlighat Tehsil
Devghadh District Rajsamand (Driver Insured Vehicle)
3. Pooja D/o Kishanlal, Kamlighat Tehsil Devghadh District
Rajsamand (Owner Of Insured Vehicle)

----Respondents

For Appellant(s) : Mr. Amit Mehta

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/02/2026

Learned counsel appearing for the appellant-insurance company submits that the Gazette Notification dated 25.02.2022 was published, wherein, an amendment has been brought under Section 150, Chapter XI, whereafter the principle of pay and recover cannot be applied upon the appellant-insurance company as in the present case, the driver was not having a valid license and was driving the vehicle insured by the appellant-company. Further, he places reliance upon interim order passed by the High Court of Madras dated 07.03.2024 in **ICICI Lombard General**

***Insurance Company Vs. Archana CMP No.5313/2024 in
CMA No.534/2024*** the same is reproduced hereunder :-

"Whether the Tribunal was right in directing the Insurance company to pay the award amount and giving it liberty to recover it from the Insured, in the light of the fact that the amended Section 150 as it stands today does not permit such course of action, in view of the fact that the proviso to Sub-Section 4 of Section 149 is no longer in the statute book and the fact that the sub-Section 4 of Section 150, as amended, is not in pari materia with the original sub-Section 4 of Section 149, in as much as the defences that are available to the Insurance Company have been enlarged by the deletion of Clause (b) of sub-Section 2 occurring as in Section 149(4) as it stood prior to the amendment."

This Court, in light of the facts and circumstances of the case, deems it appropriate to record the legal ground that is urged by the learned counsel for the appellant.

Admit.

Issue notice to the respondents, returnable within six weeks.

In the meanwhile and till next date, the effect and operation of the impugned judgment and award dated 28.11.2025 passed by the learned Judge, Motor Accident Claims Tribunal, Rajsamand in MAC Case No.115/2025 shall remain stayed subject to the appellant depositing 50% of the award amount along with interest before the learned Tribunal within a period of eight weeks from today. The amount already deposited shall be adjusted against the amount to be deposited now.

Upon deposit, the amount shall be disbursed to the claimant-respondent in terms of the award.

It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent-claimant shall be free to proceed with the execution of the impugned award.

The respondent-claimant would be at liberty to file application for vacation of the interim order.

(MUKESH RAJPUROHIT),J

39-Ramesh/-