

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

S.B. Civil Misc. Appeal No. 1270/2026

National Insurance Company Limited, Through Its Legally  
Constituted Authority, T.p. Hub, 5Th Floor, Sun Tower, Main Pal  
Road, Jodhpur.

----Appellant

Versus

1. Ramesh Kumar S/o Pratapa Ram Jatiya, Ward No. 8,  
Behind Sbi, Pokhran, Tehsil Pokhran, District Jaisalmer.  
Claimant
2. Naresh S/o Bhanwar Lal Khatik, Ward No. 8, Khatikon Ka  
Bas, Pokhran, Tehsil Pokhran, District Jaisalmer. Driver
3. Hemant Kumar S/o Kishan Lal Joshi, Ward No. 11,  
Pokhran, Tehsil Pokhran, District Jaisalmer. Owner
4. Sukhdev S/o Khet Singh Charan, Rameshwar Nagar,  
Sector-E, Basni, Jodhpur. Registered Owner

----Respondents

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| For Appellant(s)  | : | Mr. Jagdish Vyas. |
| For Respondent(s) | : |                   |

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**HON'BLE MR. JUSTICE MUKESH RAJPUROHIT**

**Order**

**27/03/2026**

1. Learned counsel for the appellant-Insurance Company  
submits that the learned Tribunal erroneously decided Issue No.4  
against the appellant whereas it was proved on record that the  
Insurance policy (Ex.15) as got exhibited by the claimants was in  
fact not issued by the appellant.
2. Learned counsel further submits that the Insurance Company  
discharged its burden by placing on record the Insurance policies  
(Ex. NA/2 and Ex. NA/3) of the same vehicle issued for different  
period.

3. Learned counsel also submits that the Insurance policy (Ex.15) was evidently a certified copy obtained from the photocopy produced in the criminal proceedings. Neither the same was compared with the original nor did the owner of the vehicle in question appear in the witness box to prove the same.
4. In view of the submissions made, Admit. Issue notice. Issue notice of stay application also.
5. Notices be filed in two sets within a period of two weeks. On the same being filed, one set be given 'dasti' to learned counsel for the appellant for service through registered post acknowledgment due.
6. Postal receipts of the '*dasti*' notices be filed within a period of two weeks from the date of receipt of '*dasti*' notices.
7. Notices be made returnable within four weeks.
8. Meanwhile, the effect, operation and execution of judgment and Award dated 14.01.2026 shall remain stayed.

**(MUKESH RAJPUROHIT),J**