

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

S.B. Civil Writ Petition No. 9499/2026

1. Tata Aig General Insurance Company Limited, Office Address - 7Th And 8Th Floor, Romell Tech Park, Cama Industrial Estate, Western Express Highway, Goregaon (E), Mumbai, Maharashtra-400063. Registered Office Address - Peninsula Business Park Tower A, 15Th Floor, G.k. Marg, Lower Parel, Mumbai-400013.
2. Tata Aig General Insurance Company Limited, Branch Office, 2Nd Floor, Lk Tower, Chopasani Road, Jodhpur, Pin 342003. Through Its Authorized Signatory Shri Ashok Kumar Sharma S/o Dal Chand Sharma Aged 34 Years At Present Working As Chief Manager, Legal.

-----Petitioners

Versus

Arbab Ali S/o Sher Mohammed, Aged About 39 Years, R/o Musalmano Ka Was, Kukalo Ki Dhani, Tehsil Sindhari, District Balotra.

-----Respondent

For Petitioner(s)	:	Mr. Aditya Singhi
For Respondent(s)	:	

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

04/05/2026

Learned counsel for the petitioner contends that as per Clauses the General Conditions of the insurance policy, the insured was under a mandatory obligation to take reasonable care to safeguard the insured vehicle from loss or damage. It is submitted that, as is evident from the investigation report as well as the impugned award itself, one of the original ignition keys was left inside the vehicle at the time of the alleged theft, which clearly establishes gross negligence and a fundamental breach of the

policy conditions. It is further submitted that there was an inordinate and unexplained delay in lodging the FIR as well as in intimating the petitioner-Insurance Company which is in clear violation of the requirement of immediate intimation under the policy. It is thus contended that the repudiation of the claim vide letter dated 23.10.2023 was fully justified and in consonance with the terms of the contract of insurance; however, despite this, the Permanent Lok Adalat has erroneously allowed the claim while ignoring settled principles of law and the evidence available on record.

The matter requires consideration.

Issue notice to the respondent(s), returnable within a period of six weeks.

In the meanwhile and till next date, the effect and operation of order dated 10.02.2026, passed by the Permanent Lok Adalat in case No.49/2024, titled as "*Arbab Ali Vs Tata AIG General Insurance Company Ltd.*" shall remain stayed.

(MUKESH RAJPUROHIT),J