

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

S.B. Civil Writ Petition No. 10035/2026

Tata Aig General Insurance Company Limited, Through The Branch Manager, North Lotus Tower, First Floor, Community Center, New Friends Colony, New Delhi-110025. Through Its Authorized Signatory Shri Ashok Kumar Sharma S/o Dal Chand Sharma Aged 34 Years At Present Working As Chief Manager, Legal.

-----Petitioner

Versus

1. Sunita W/o Late Upendra Singh, R/o Redi Bhurawas, Tehsil Taranagar, District Churu.
2. Devraj Singh S/o Late Upendra Singh, Aged About 11 Years, (Minor) Through The Natural Guardian Mother Sunita W/o Late Upendra Singh R/o Redi Bhurawas, Tehsil Taranagar, District Churu.
3. Ritu Kanwar D/o Late Upendra Singh, Aged About 10 Years, (Minor) Through The Natural Guardian Mother Sunita W/o Late Upendra Singh R/o Redi Bhurawas, Tehsil Taranagar, District Churu.
4. Lakshita Kanwar D/o Late Upendra Singh, Aged About 4 Years, (Minor) Through The Natural Guardian Mother Sunita W/o Late Upendra Singh R/o Redi Bhurawas, Tehsil Taranagar, District Churu.
5. Santosh Kanwar W/o Balu Singh, R/o Redi Bhurawas, Tehsil Taranagar, District Churu.
6. Balu Singh S/o Surat Singh, R/o Redi Bhurawas, Tehsil Taranagar, District Churu.
7. Chotu Singh S/o Sohan Singh, R/o Bhurawas, Tehsil Taranagar, District Churu. (Owner- Driver Of Bolero Camper Rj-10-Gb-3910)

-----Respondents

For Petitioner(s) : Mr. Aditya Singhi

For Respondent(s) :

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

08/05/2026

1. By way of filing instant writ petition under Articles 226 and 227 of the Constitution of India, the petitioner has laid a challenge to the order dated 06.03.2026 passed by the learned Motor

Accident Claims Tribunal, Taranagar, District Churu (for short 'learned tribunal'), whereby the learned tribunal, while rejecting the petitioner's application, declined to summon the Investigation Officer and closed its defence evidence.

2. Heard.

3. Learned counsel for the petitioner, while confining the arguments to the extent of closure of defence evidence, submits that the petitioner was required to produce witnesses for recording of defence evidence before the learned tribunal; however, due to unavoidable circumstances, the same could not be done. It is, therefore, submitted that the learned tribunal ought not to have rejected the petitioner's application. It is further submitted that if the petitioner is not permitted to lead defence evidence, its case shall suffer serious prejudice.

4. I have considered the submissions and perused the material available on record.

5. Upon perusal of the case file and the impugned order, this Court finds that the learned tribunal, vide order dated 06.03.2026, rejected the application filed by the petitioner and closed defence evidence, while observing that sufficient opportunities had already been granted to the petitioner for the said purpose.

6. In the opinion of this Court, though sufficient opportunities appear to have been granted by the learned tribunal, denial of the right to lead evidence in the claim petition in question would adversely affect the petitioner's right to fair adjudication.

7. In the facts and circumstances of the present case, this Court deems it just and proper to grant one last opportunity to the

petitioner to lead defence evidence, subject to payment of cost of Rs.1,000/- to the respondents-claimants through counsel representing them before the learned tribunal.

8. Accordingly, the petitioner is granted one last opportunity to lead defence evidence before the learned tribunal on 26.05.2026, subject to payment of cost of Rs.1,000/- to the respondents-claimants through counsel.

9. It is clarified that though, the matter is stated to be otherwise fixed before the learned tribunal on 14.07.2026, the petitioner shall produce its defence evidence on 26.05.2026. However, the learned tribunal shall be at liberty to regulate the proceedings and adjourn the matter, if necessary, depending upon its work exigency.

10. Learned counsel for the petitioner is directed to supply an advance copy of this order to the learned counsel representing the respondents before the learned Tribunal at least three days prior to 26.05.2026.

11. In case the respondents refuse to accept the cost and choose to contest the writ petition on merits, they shall be at liberty to move an appropriate application for revival of the writ petition, and upon such application being filed, the same shall be considered and decided in accordance with law.

12. With the aforesaid observations, the writ petition stands disposed of.

13. It is made clear that, in case the petitioner does not pay the cost as directed hereinabove, or does not lead the evidence on 26.05.2026, no further opportunity shall be granted to it.

14. The stay application and all pending applications, if any, also stand disposed of.

(MUKESH RAJPUROHIT),J

29-AbhishekS/-