

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

S.B. Civil Misc. Appeal No. 1318/2023

M/s Lion Motors, Silver Plaza Complex, Dahod Road, Opposite
Tata Motors, Banswara, Through Its Authorized Representative
Surendra Arya S/o Gamuji Arya, Aged About 53 Yrs, Lion Motors,
Silver Plaza Complex, Dahod Road, Opposite Tata Motors,
Banswara (Raj.) (Dealer)

----Appellant

Versus

1. Pemji @ Premji Patidar S/o Hirji Patidar, Resident Of
Village Mungana, Tehsil Ghatol, District Banswara
2. Ronika Patidar D/o Pemji @ Premji Patidar, Minor Thorough
Natural Guardian Father Premji @ Premji Patidar S/o Hirji
Patidar, Resident Of Village Mungana, Tehsil Ghatol,
District Banswara.
3. Nikita Patidar D/o Pemji @ Premji Patidar, Minor Thorough
Natural Guardian Father Premji @ Premji Patidar S/o Hirji
Patidar, Resident Of Village Mungana, Tehsil Ghatol,
District Banswara.
4. Hirji S/o Kuriya Patidar, Resident Of Village Mungana,
Tehsil Ghatol, District Banswara.
5. Smt. Mogi W/o Hirji Patidar, Resident Of Village Mungana,
Tehsil Ghatol, District Banswara.
6. Raju Ahari S/o Kacharu, R/o Samadhi Mohalla, Partapur,
Tehsil Garhi, District Banswara. (Driver)
7. Ravji Makwana S/o Bada Makwana, R/o Borfala, Aanjna,
Tehsil Garhi, District Banswara. (Owner)
8. Branch Manager, Iffco Tokio General Insurance Company
Limited, Durga Nursery Road, F-02, 03 1St Floor,
Mangalam Fun Square, Udaipur (Insurer)

----Respondents

For Appellant(s)	:	Mr. Gaju Singh Rathore
For Respondent(s)	:	

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

18/08/2023

Learned counsel for the appellant submits that while partly allowing the claim petition filed by the claimants-respondents nos.1 to 5, the learned tribunal held that the present appellant- a dealer is liable to satisfy the claim amount alongwith driver and owner of the offending vehicle and exonerated the Insurance Company of its liability. Learned counsel for the appellant submits that the learned tribunal committed grave illegality while directing the appellant, who is merely a dealer to indemnify the award amount. In support of his contentions, learned counsel has relied upon the judgment of the Hon'ble Supreme Court delivered in the case of HDFC Bank Ltd. V. Kumari Reshma & Ors. reported in 2015(1) RAR 107 (SC).

2. The matter requires consideration.
3. Issue notice to the respondents. Issue notice of the stay application also, returnable on 26.9.2023.
4. Meanwhile, effect and operation of the impugned judgment and award dated 8.6.2023 passed by the learned Motor Accident Claims Tribunal, Banswara in MAC No.126/2019 shall remain stayed qua the appellant.

(MADAN GOPAL VYAS),J