

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

S.B. Civil Misc. Appeal No. 1503/2023

Bagta Ram S/o Moola Ram, Aged About 40 Years, R/o Gagariya Station, Tehsil Gadra Road, District Barmer. (Registered Owner Rj04-Ga-5279)

----Appellant

Versus

1. Bharat Singh S/o Gom Singh, By Caste Rajput, R/o Dhanjiro Ki Dhani (Bhurtiya), Tehsil And District Barmer. (Driver Vehicle No. Rj04-Gb-0096)
2. Ratan Singh Chouhan S/o Bhoor Singh, By Caste Rajput, R/o Dudhwa Khurd Tehsil Chouhtan, District Barmer. (Owner Vehicle No. Rj04-Gb-0096)
3. The New India Assurance Company Limited, Through Zonal Manager, Abhay Chamber, Jalori Gate, Jodhpur. District Barmer. (Insurance Company Vehicle No. Rj04-Gb-0096)
4. Shankra Ram S/o Raju Ram, By Caste Jat, R/o Gadra Road, Tehsil Gadra Road, District Barmer. (Driver Vehicle No. Rj04-Ga-5279)
5. United India Insurance Company Limited, Through Zonal Manager, Zonal Office, Station Road, Barmer. (Insurance Company Vehicle No. Rj04-Ga-5279)
6. Mohani Devi W/o Saroop Ram, By Caste Meghwal, R/o Ber Singh Desar, Gadra Road, Tehsil Gadra Road, District Barmer.
7. Tarun S/o Saroop Ram, Minor Represented By His Natural Guardian Mother Mohani Devi W/o Saroop Ram, By Caste Meghwal, R/o Ber Singh Desar, Gadra Road, Tehsil Gadra Road, District Barmer.
8. Chanchal D/o Saroop Ram, Minor Represented By Her Natural Guardian Mother Mohani Devi W/o Saroop Ram, By Caste Meghwal, R/o Ber Singh Desar, Gadra Road, Tehsil Gadra Road, District Barmer.
9. Santosh Kumar S/o Saroop Ram, Minor Represented By His Natural Guardian Mother Mohani Devi W/o Saroop Ram, By Caste Meghwal, R/o Ber Singh Desar, Gadra Road, Tehsil Gadra Road, District Barmer.

10. Vinod Kumar S/o Saroop Ram, Minor Represented By His Natural Guardian Mother Mohani Devi W/o Saroop Ram, By Caste Meghwal, R/o Ber Singh Desar, Gadra Road, Tehsil Gadra Road, District Barmer.
11. Chuni W/o Harkha Ram, By Caste Meghwal, R/o Ber Singh Desar, Gadra Road, Tehsil Gadra Road, District Barmer.
12. Harkha Ram S/o Jala Ram, By Caste Meghwal, R/o Ber Singh Desar, Gadra Road, Tehsil Gadra Road, District Barmer.

-----Respondents

For Appellant(s) : Mr. R.J. Punia

HON'BLE MS. JUSTICE REKHA BORANA

Order

05/12/2024

1. Learned counsel for the appellant submits that the learned Tribunal erroneously held the driver of truck No.RJ04-GA-5279 also negligent for the accident in question whereas as per the findings of the learned Tribunal itself, the other truck No.RJ04-GB-0096 was stationed on the road without any indicators or the reflectors on. Further, there was evidently a service road also existing at the site but despite the same, the driver of the other truck parked the vehicle on the road without any indicators on.
2. In view of the submission made, Admit. Issue Notice. Issue notice of stay application also.

Notices be filed in two sets within a period of one week. On the same being filed, one set be given '*dasti*' to learned counsel for the appellant for service through registered post acknowledgment due. Notices be made returnable on 13.01.2025.

Postal receipts of the '*dasti*' notices be filed within a period of one week from the date of receipt of '*dasti*' notices.

3. Meanwhile, the effect, operation and execution of the judgment/award dated 20.05.2023 passed by the Motor Accident Claims Tribunal, Barmer in MACT Original Case No.186/2020 shall remain stayed qua the present appellant.

(REKHA BORANA),J

18-KashishS/-