

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

S.B. Civil Misc. Appeal No. 2753/2025

Ramkumar S/o Kesraram, Aged About 42 Years, Munsari, Tehsil Bhadra, District Hanumangarh (Raj.) (Driver Of Motorcycle No. PB-10-DH-1839)

----Appellant

Versus

1. Leelawati W/o Krishan Kumar, Aged About 55 Years, Gandhibadi, Tehsil Bhadra, District Hanumangarh (Raj.)
2. Subhash S/o Krishan Kumar, Gandhibadi, Tehsil Bhadra, District Hanumangarh (Raj.)
3. Sunita D/o Krishan Kumar, Aged About 29 Years, Gandhibadi, Tehsil Bhadra, District Hanumangarh (Raj.)
4. Chandrakanta D/o Krishan Kumar, Aged About 27 Years, Gandhibadi, Tehsil Bhadra, District Hanumangarh (Raj.)
5. Gurpreet S/o Gurubachchan Singh, Aged About 30 Years, 116, Kidvainagar, Ludhiyana, (Punjab) (Owner Of Motorcycle No. PB-10-DH-1839)
6. Divisional Manager United India Insurance Company Ltd., Divisional Office Sriganganagar (Raj.) (Insurer Of Motorcycle No. PB-10-DH-1839)

----Respondents

For Appellant(s) : Mr. Ravi Panwar

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

28/03/2026

1. Learned counsel for the petitioner submits that the learned Tribunal has erred in fastening liability upon the driver of the offending vehicle, as it is a settled principle of law that the primary liability to pay compensation rests with the owner of the vehicle.
2. The matter requires consideration.

3. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.
4. Meanwhile, effect and operation of the impugned judgment and award dated 11.02.2025 passed by the learned Judge, Motor Accident Claims, Tribunal Bhadra, District Hanumangarh in Motor Accident Claim Case No.27/2019 (CIS No.27/2019), shall remain stayed qua the appellant – Ramkumar.
5. List this matter after six weeks.

(MUKESH RAJPUROHIT),J