

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

S.B. Civil Misc. Appeal No. 3272/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative

----Appellant

Versus

1. Surendra Singh S/o Champa Lal Kharval, Village And
Tehsil Pachpadra, District Balotra
2. Smt Parsi Devi W/o Sh Babu Ram, Vinayakpura Bhavad,
Tehsil Osian, District Jodhpur

----Respondents

Connected With

S.B. Civil Misc. Appeal No. 2983/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative

----Appellant

Versus

1. Smt. Manju Devi W/o Sh Kalu Ram Paliwal, Ravli Pole,
Umarlai Road, Kudi, Tehsil Pachpadra, District Balotra
2. Kalu Ram S/o Meetha Ram Paliwal, Ravli Pole, Umarlai
Road, Kudi, Tehsil Pachpadra, District Balotra
3. Smt Parsi Devi W/o Sh Babu Ram, Dhinala Nada,
Abhishek Nagar, Jodhpur Owner

----Respondents

S.B. Civil Misc. Appeal No. 3278/2025

The New India Assurance Company Ltd., T.p. Suit Hub, Divisional
Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur Through Its
Authorized Representative

----Appellant

Versus

1. Smt. Gayatri Dave W/o Sh. Pramod Kumar Dave,
Gandhipura, Ramaji Ki Bari, Tehsil Pachpadra, District
Balotra
2. Pramod Kumar Dave S/o Sh. Murlidhar Dave, Gandhipura,



Ramaji Ki Bari, Tehsil Pachpadra, District Balotra

3. Smt. Parsi Devi W/o Sh. Babu Ram, Vinayakpura, Bhavad,
Ps Karvad, Tehsil Baori, District Jodhpur

-----Respondents

S.B. Civil Misc. Appeal No. 3289/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative

-----Appellant

Versus

1. Thakra Ram S/o Poora Ram, Hanumanpura, Sarano Ki
Beri, Sajiyali-Roopji Rajaberi, Tehsil Pachpadra, District
Balotra
2. Smt Parsi Devi Spouse/o Sh Babu Ram, Vinayakpura
Bhavad, Tehsil Osian, District Jodhpur

-----Respondents

S.B. Civil Misc. Appeal No. 3291/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative.

-----Appellant

Versus

1. Smt. Mohan Kanwar W/o Sh. Chauth Singh Rajput., R/o
Gudnagar, Surajbera, Tehsil Pachpadra, District Balotra.
(Claimant)
2. Chauth Singh S/o Sang Singh Rajput, R/o Gudnagar,
Surajbera, Tehsil Pachpadra, District Balotra. (Claimants)
3. Smt Parsi Devi W/o Sh. Babu Ram, R/o Dhinala Nada,
Abhishek Nagar, Jodhpur.(Owner)

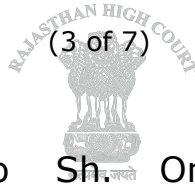
-----Respondents

S.B. Civil Misc. Appeal No. 3294/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative

-----Appellant

Versus



1. Smt. Radha W/o Sh. Om Prakash Jat, Village Bhandiyavas, Tehsil Pachpadra, District Balotra
2. Smt Parsi Devi W/o Sh Babu Ram, Vinayakpura, Bhavad, Ps Karwad, Tehsil Baori, District Jodhpur (Owner)

----Respondents

S.B. Civil Misc. Appeal No. 3296/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub, Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur Through Its Authorized Representative.

----Appellant

Versus

1. Jiya Ram S/o Rana Ram Vishnoi, Village Umarlai Jagir, Tehsil Pachpadra, District Balotra.
2. Parsi Devi W/o Sh. Babu Ram, Vinayakpura Bhavad, Tehsil Osian, District Jodhpur. (Owner)

----Respondents

S.B. Civil Misc. Appeal No. 3298/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub, Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur Through Its Authorized Representative.

----Appellant

Versus

1. Smt. Hanju Devi W/o Late Sh. Jagdish Rao, Village Meva Nagar, Tehsil Pachpadra, District Balotra
2. Rakesh S/o Late Sh. Jagdish Rao, Village Meva Nagar, Tehsil Pachpadra, District Balotra
3. Ms. Sangeeta D/o Late Sh. Jagdish Rao, Village Meva Nagar, Tehsil Pachpadra, District Balotra
4. Ms. Dimple D/o Late Sh. Jagdish Rao, Village Meva Nagar, Tehsil Pachpadra, District Balotra
5. Smt. Mohini Devi Spouse/o Sh. Kheema Ram, Village Meva Nagar, Tehsil Pachpadra, District Balotra
6. Parsi Devi W/o Babu Ram, Dhinala Nada, Abhishek Nagar, Jodhpur.

----Respondents

S.B. Civil Misc. Appeal No. 3299/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative

----Appellant

Versus

1. Jaga Ram S/o Sh. Chimna Ram Jat, Hanumanpura, Tehsil Pachpadra, District Balotra
2. Smt. Madu Devi W/o Jaga Ram, Hanumanpura, Tehsil Pachpadra, District Balotra
3. Smt. Parsi Devi W/o Sh. Babu Ram, Dhinala Nada, Pal, Abhishek Nagar, Jodhpur (Owner)
4. Babu Ram S/o Kalu Ram, Dhinala Nada, Pal, Abhishek Nagar, Jodhpur (Power Of Attorney Holder)

----Respondents

S.B. Civil Misc. Appeal No. 3300/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative

----Appellant

Versus

1. Smt. Chuki Devi W/o Late Sh Mehra Ram, R/o Village Majiwala, Tehsil Pachpadra, District Balotra (Claimants)
2. Prem Kumar S/o Late. Sh Mehra Ram, R/o Village Majiwala, Tehsil Pachpadra, District Balotra (Claimants)
3. Arjun Kumar S/o Late Sh Mehra Ram, R/o Village Majiwala, Tehsil Pachpadra, District Balotra (Claimants)
4. Pushpa Kumari D/o Late Sh Mehra Ram, R/o Village Majiwala, Tehsil Pachpadra, District Balotra (Claimants)
5. Smt Parsi Devi W/o Sh Babu Ram, R/o Dheenala Nada, Abhishek Nagar, Jodhpur, District Jodhpur (Owner)
6. Babu Ram S/o Sh Kalu Ram, R/o Vinayakpura, Bhavad, Ps Karwad, District Jodhpur (Power Of Attorney Holder Of The Owner Of The Vehicle)

----Respondents

S.B. Civil Misc. Appeal No. 3302/2025

The New India Assurasnce Company Ltd., T.p. Suit Hub,
Divisional Office-Ist, Abhay Chambers, Jalori Gate, Jodhpur
Through Its Authorized Representative.

----Appellant

Versus

1. Smt. Aelchi W/o Late Sh. Shankar Lal Vishnoi.,
Hansadesh, Tehsil Lohawat, District Jodhpur.
2. Mst Kavita D/o Late Sh. Shankar Lal Vishnoi., Hansadesh,
Tehsil Lohawat, District Jodhpur.
3. Madan Lal S/o Late Sh. Shankar Lal Vishnoi., Hansadesh,
Tehsil Lohawat, District Jodhpur.
4. Ramesh S/o Late Sh. Shankar Lal Vishnoi., Hansadesh,
Tehsil Lohawat, District Jodhpur.
5. Parsi Devi W/o Babu Ram, Vinayakpura, Bhavad, District
Jodhpur. Presently Residing At Dhinala Nada, Pal,
Abhishek Nagar.

----Respondents

For Appellant(s)	:	Mr. Jagdish Vyas. Mr. Shyam Charn.
For Respondent(s)	:	Mr. Balaram Kumar (In CMA No.3300/2025).

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

25/03/2026

It is contended by learned counsel for the appellant that in the present bunch of appeals, the cause of the accident in question is attributed to the installation of an additional diesel tank attached to the tanker, which is in violation of the terms and conditions of the insurance policy as well as Section 52 of the Motor Vehicles Act.

Learned counsel further submits that, in order to substantiate the said contention statements of NAW-1 (District

Transport Officer) and NAW-2 (RTO) have been recorded. It is further contended that fundamental breach of the policy conditions is well established and the direction of "pay and recover" is not justified.

The matter requires consideration.

Issue notice, returnable within six weeks.

In the meanwhile and till further orders, the effect and operation of the impugned judgment(s)/award(s) in all appeals arising out of accident which took place on 10.11.2021 shall remain stayed.

In S.B. Civil Misc. Appeal No. 3300/2025 :-

It is contended by learned counsel for the appellant that in the present bunch of appeals, the cause of the accident in question is attributed to the installation of an additional diesel tank attached to the tanker, which is in violation of the terms and conditions of the insurance policy as well as Section 52 of the Motor Vehicles Act.

Learned counsel further submits that, in order to substantiate the said contention statements of NAW-1 (District Transport Officer) and NAW-2 (RTO) have been recorded. It is further contended that fundamental breach of the policy conditions is well established and the direction of "pay and recover" is not justified.

The matter requires consideration.

Issue notice.

Mr. Balam Kumar has put in appearance and accepts notice on behalf of respondents No.1 to 4.

Let notices be issued to respondents No.5 and 6 only, returnable within a period of six weeks.

In the meanwhile and till further orders, the effect and operation of the impugned judgment/award arising out of accident which took place on 10.11.2021 shall remain stayed.

(MUKESH RAJPUROHIT),J

12, 15, 20, 22, 23, 26

28, 30, 31, 32 & 34-Jitender//-