

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

S.B. Civil Misc. Appeal No. 3255/2025

1. Mahendra S/o Bhagwatilal, Aged About 25 Years, Resident Of Vajni Rodi, Police Station Kurabad, District Udaipur. (Driver)
2. Nathulal S/o Megha Patel, Aged About 53 Years, Resident Of 18, Basant Vihar, Meera Nagar, Old R.t.o. Road, Dhikli, Pratapnagar, Udaipur. (Owner)

----Appellants

Versus

1. Radha Kumari D/o Late Babulal Patel, Minor Through Natural Guardian Grandmother Smt. Pemi Bai W/o Dhula Ji Patel, Resident Of Todi, Tehsil Girwa, Police Station Kurabad, District Udaipur.
2. Monika Patel D/o Late Babulal Patel, Minor Through Natural Guardian Grandmother Smt. Pemi Bai W/o Dhula Ji Patel, resident Of Todi, Tehsil Girwa, Police Station Kurabad, district Udaipur.
3. Smt Pemi Bai W/o Dhula Ji Patel, Resident Of Todi, Tehsil Girwa, Police Station Kurabad, District Udaipur.
4. Oriental Insurance Company, Through Branch Manager, babu Bazar, Udaipur.

----Respondents

Connected With

S.B. Civil Misc. Appeal No. 3248/2025

1. Mahendra S/o Shri Bhagwatilal, Aged About 25 Years, Resident Of Vajni Rodi, Police Station Kurabad, District Udaipur. (Driver)
2. Nathulal S/o Shri Megha Patel, Aged About 53 Years, Resident of 18, Basant Vihar, Meera Nagar, Old R.t.o. Road, Dhikli, Pratapnagar, Udaipur. (Owner)

----Appellants

Versus

1. Nangaram S/o Shri Bhanaji Patel, Resident Of Todi, Tehsil Girwa, Police Station Kurabad, District Udaipur.
2. Oriental Insurance Company, Through Branch Manager, babu Bazar, Udaipur.

----Respondents

S.B. Civil Misc. Appeal No. 3253/2025

1. Mahendra S/o Shri Bhagwatilal, Aged About 25 Years, Resident Of Vajni Rodi, Police Station Kurabad, District Udaipur. (Driver)
2. Nathulal S/o Shri Megha Patel, Aged About 53 Years, Resident of 18, Basant Vihar, Meera Nagar, Old R.t.o. Road, Dhikli, pratapnagar, Udaipur. (Owner)

----Appellants

Versus

1. Smt. Pemi Bai W/o Shri Dhula Ji Patel, Resident Of Todi, tehsil Girwa, Police Station Kurabad, District Udaipur.
2. Radha Kumari D/o Late Babulal Patel, Minor Through Natural Guardian Grandmother Smt. Pemi Bai W/o Dhula Ji Patel, Resident Of Todi, Tehsil Girwa, Police Station Kurabad, District Udaipur.
3. Monika Patel D/o Late Babulal Patel, Minor Through Natural Guardian Grandmother Smt. Pemi Bai W/o Dhula Ji Patel, Resident Of Todi, Tehsil Girwa, Police Station



Kurabad,district Udaipur.

4. Oriental Insurance Company, Through Branch Manager,babu Bazar, Udaipur.

----Respondents

S.B. Civil Misc. Appeal No. 3259/2025

1. Mahendra S/o Shri Bhagwatilal, Aged About 25 Years, Resident Of Vajni Rodi, Police Station Kurabad, District Udaipur. (Driver)
2. Nathulal S/o Shri Megha Patel, Aged About 53 Years, Resident Of 18, Basant Vihar, Meera Nagar, Old R.t.o. Road, Dhikli,pratapnagar, Udaipur. (Owner)

----Appellants

Versus

1. Smt. Pemi Bai W/o Shri Dhula Ji Patel, Resident Of Todi,tehsil Girwa, Police Station Kurabad, District Udaipur.
2. Radha Kumari D/o Late Babulal Patel, Minor Through Natural Guardian Grandmother Smt. Pemi Bai W/o Dhula Ji Patel, Resident Of Todi, Tehsil Girwa, Police Station Kurabad,district Udaipur.
3. Monika Patel D/o Late Babulal Patel, Minor Through Natural Guardian Grandmother Smt. Pemi Bai W/o Dhula Ji Patel, Resident Of Todi, Tehsil Girwa, Police Station Kurabad,district Udaipur.
4. Oriental Insurance Company, Through Branch Manager,babu Bazar, Udaipur.

----Respondents

S.B. Civil Misc. Appeal No. 3760/2025

Oriental Insurance Company Limited, Through The Branch Manager, Bapu Bazaar, Udaipur. Insurance Company

----Appellant

Versus

1. Smt. Pemi Bai W/o Shri Dhulaji Patel, (Mother-In-Law Of Deceased Dai Bai) Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur Claimants
2. Sushri Radha Kumari D/o Late Shri Babulal Patel, (Daughter Of Deceased Dai Bai) Minor Through The Natural Guardian Grand Mother Smt. Pemi Bai W/o Dhulaji Patel. Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur. Claimants
3. Sushri Monika Patel D/o Late Shri Babulal Patel, (Daughter Of Deceased Dai Bai) Minor Through The Natural Guardian Grand Mother Smt. Pemi Bai W/o Dhulaji Patel. Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur. Claimants
4. Mahendra S/o Bhagwatilal, R/o Vajni Road, Police Station Kurabad District Udaipur. Driver Of Insured Vehicle
5. Nathulal S/o Megha Patel, R/o 18, Basant Vihar, Meera Nagar, Old R.t.o Road, Dhikli Road, Pratapnagar, Udaipur. Owner Of Insured Vehilce

----Respondents

S.B. Civil Misc. Appeal No. 3762/2025

Oriental Insurance Company Limited, Through The Branch Manager, Bapu Bazaar, Udaipur. Insurance Company

----Appellant

Versus

1. Sushri Radha Kumari D/o Lt. Sh. Babulal Patel, Sister Of

Deceased Gajendra Minor Through The Natural Guardian Grand Mother Smt. Pemi Bai W/o Dhulaji Patel. Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur

2. Sushri Monika Patel D/o Late Shri Babulal Patel, Sister Of Deceased Gajendra Sister Of Deceased Gajendra Minor Through The Natural Guardian Grand Mother Smt. Pemi Bai W/o Dhulaji Patel. Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur
3. Smt Pemi Bai W/o Shri Dhulaji Patel, Grand Mother Of Deceased Gajendra Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur
4. Mahendra S/o Bhagwatilal, R/o Vajni Road, Police Station Kurabad District Udaipur. Driver Of Insured Vehicle
5. Nathulal S/o Megha Patel, R/o 18, Basant Vihar, Meera Nagar, Old R.t.o Road, Dhikli Road, Pratapnagar, Udaipur. Owner Of Insured Vehilce

----Respondents

S.B. Civil Misc. Appeal No. 3763/2025

Oriental Insurance Company Limited, Through The Branch Manager, Bapu Bazaar, Udaipur. Insurance Company

----Appellant

Versus

1. Smt. Pemi Bai W/o Shri Dhulaji Patel, Mother Of Deceased Babulal Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur Claimants
2. Sushri Radha Kumari D/o Late Shri Babulal Patel, Daughter Of Deceased Babulal Patel (Daughter Of Deceased Babulal) Minor Through The Natural Guardian Grand Mother Smt. Pemi Bai W/o Dhulaji Patel. Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur Claimants
3. Sushri Monika Patel D/o Late Shri Babulal Patel, Daughter Of Deceased Babulal Patel (Daughter Of Deceased Babulal) Minor Through The Natural Guardian Grand Mother Smt. Pemi Bai W/o Dhulaji Patel. Resident Of Todi Tehsil, Girwa Police Station Kurabad, District Udaipur Claimants
4. Mahendra S/o Bhagwatilal, R/o Vajni Road, Police Station Kurabad District Udaipur. Driver Of Insured Vehicle
5. Nathulal S/o Megha Patel, R/o 18, Basant Vihar, Meera Nagar, Old R.t.o Road, Dhikli Road, Pratapnagar, Udaipur. Owner Of Insured Vehilce

----Respondents

S.B. Civil Misc. Appeal No. 3766/2025

Oriental Insurance Company Limited, Through The Branch Manager, Bapu Bazaar, Udaipur. (Insurance Company)

----Appellant

Versus

1. Nagaram S/o Shri Dhanaji Patel, R/o Todi Tehsil Girwa, Police Station Kurabad, District Udaipur.
2. Mahendra S/o Bhagwatilal, R/o Vajni Road, Police Station Kurabad District Udaipur. (Driver Of Insured Vehicle)
3. Nathulal S/o Megha Patel, R/o 18, Basant Vihar, Meera Nagar, Old R.t.o Road, Dhikli Road, Pratapnagar, Udaipur. (Owner Of Insured Vehicle)

----Respondents

For Appellant(s) : Mr. Aditya Singhi
Mr. Hardik Vyas
For Respondent(s) : Mr. Bharat Shrimali with
Mr. Ishwar Singh

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

23/02/2026

In CMA Nos.3760, 3762, 3763 & 3766 of 2025:

1. Learned counsel for the appellant submits that accident in question occurred on 18.04.2022 i.e. after the amendment in Section 150 of the Motor Vehicles Act, 1988 came into effect.
2. He submits that by virtue of the said amendment, no direction to 'Pay and Recover' can be passed against the Insurance Company in cases of breach of the policy conditions.
3. He further submits that the present one is a clear case of fundamental breach of the policy condition as the driver of the vehicle in question at the time of accident, did not have a driving license.
4. Learned counsel for the respondents, the driver and owner of the offending car, submits that an appeal has been filed against the impugned award and the same may be connected with the present matter.
5. Issue notice.
6. Learned counsel – Mr. Bharat Shrimali accepts notice on behalf of respondent(s) - claimants (In CMA Nos.3760, 3762, 3763 of 2025) and Mr. Hardik Vyas accepts notice on behalf of the driver and owner of the car.
7. Meanwhile, effect and operation of the impugned judgment and award dated 16.07.2025 passed by the learned Judge, Motor

Accident Claims Tribunal No.2, Udaipur in Motor Accident Claim Case Nos.672/2023, 673/2023, 674/2023 shall remain stayed qua the appellant - Insurance Company subject to the condition that the appellant deposits 65% of the amount awarded by the Tribunal in each claim case vide award dated 16.07.2025 within a period of eight weeks. The amount so deposited shall be disbursed to the claimants by the Tribunal in accordance with law.

8. Upon deposit, the amount shall be disbursed to the claimant-respondents in terms of the award.

9. It is made clear that if the amount as directed by this Court is not deposited within the stipulated time, the respondent-claimants shall be free to proceed with the execution of the impugned award.

10. Call for record.

11. List after eight weeks along with S.B. Civil Misc. Appeal Nos.3248, 3253, 3255 & 3259 of 2025.

In CMA Nos.3248, 3253, 3255 & 3259 of 2025:

Issue notice. Issue notice of stay application also, returnable within four weeks.

Learned counsel – Mr. Bharat Shrimali accepts notice on behalf of respondent(s) - claimants (In CMA Nos.3255, 3253, 3259 of 2025) and Mr. Aditya Singhi accepts notice on behalf of the respondent - Insurance Company.

List after eight weeks alongwith connected appeals.

(MUKESH RAJPUROHIT),J