

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

S.B. Civil Misc. Appeal No. 546/2026

Shriram General Insurance Company Ltd., E-8, Epip, Rico
Industrial Area, Sitapura, Jaipur.

----Appellant

Versus

1. Smt. Aarti W/o Late Sh Shrawan Bhil, R/o Village Gajsinghpura, Ps Shambhugarh, Tehsil Aasind, District Bhilwara
2. Uday Ram S/o Sh Ganga Ram Bhil, R/o Village Gajsinghpura, Ps Shambhugarh, Tehsil Aasind, District Bhilwara
3. Smt Manbhari W/o Sh Uday Ram Bhil, R/o Village Gajsinghpura, Ps Shambhugarh, Tehsil Aasind, District Bhilwara
4. Ramdev S/o Late Sh Shrawan Bhil, Minor Through His Natural Guardian Mother Smt Aarti, Residents Of Village Gajsinghpura, Ps Shambhugarh, Tehsil Aasind, District Bhilwara
5. Unkar Lal S/o Nathu Bagariya, R/o Ganeshpura, Ps Shambhugarh, Tehsil Aasind, District Bhilwara. (Owner Cum Driver)

----Respondents

For Appellant(s)	:	Mr. Jagdish Chandra Vyas
For Respondent(s)	:	

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/02/2026

1. Learned counsel for the appellant contends that the tribunal has committed a grave error in relying upon the testimony of A.W.2 – Prabhu Lal, which is neither trustworthy nor supported by the documentary record. It is submitted that the said witness himself admitted that deceased was his first cousin, thereby

making him an interested witness. He further conceded that due to darkness he could not identify the colour of the alleged offending motorcycle and was unable to recall the registration numbers of either his own motorcycle or that of the deceased. Additionally, his failure to inform the police casts serious doubt on his presence at the scene and the veracity of his version.

2. It is further urged that the Bed Head Ticket (Ex-17), placed on record by the claimants, clearly reflects that deceased sustained a head injury as a result of a fall from his own motorcycle, as informed by Prabhu at the time of admission. This contemporaneous medical document belies the subsequent allegation of involvement of any other vehicle. In these circumstances, it is submitted that insured motorcycle has been falsely implicated at a later stage with a view to seek compensation. It is therefore argued that the finding of liability is legally unsustainable.

3. The matter requires consideration.

4. Issue notice to respondent(s), returnable within six weeks.

5. Meanwhile, effect and operation of the impugned judgment and award dated 08.09.2025 passed by the learned Judge, Motor Accident Claims Tribunal, Gulabpura, District Bhilwara in Motor Accident Claim Case No.65/2021, shall remain stayed qua the appellant subject to the condition that the appellant - Insurance Company deposits 50% of the amount awarded by the Tribunal vide award dated 08.09.2025 within a period of eight weeks. The amount so deposited shall be disbursed to the claimants by the Tribunal in accordance with law.

6. Upon deposit, the amount shall be disbursed to the claimant-respondents in terms of the award.
7. 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.
8. List after eight weeks.

(MUKESH RAJPUROHIT),J

12-mSingh/-