

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

S.B. Civil Misc. Appeal No. 446/2026

Cholamandalam Ms General Insurance Company Ltd., Jodhpur
Office Near Arora Namkeen, Above Kia Showroom, Pratap Nagar,
Jodhpur Through Its Authorized Representative

----Appellant

Versus

1. Smt. Shanta Devi W/o Late Sh. Kishore Das Vaishnav,
Resident Of Village Kothadi, District Dungarpur.
2. Kanhaiya Das S/o Late Sh. Kishore Das Vaishnav,
Resident Of Village Kothadi, District Dungarpur.
3. Ratan Lal S/o Punji Lal Katara, R/o Village Bilpan, Fala
Vida, Ps Chorasi, District Dungarpur. Presently Working As
Driver, Water Resources Department, Division-L,
Dungarpur (Driver)
4. Kuldeep Building Construction And Suppliers, Through
Kuldeep Parashar So Ramesh Babu, R/o 1/182, Swami
Vivekanand Nagar, Engineering College, Kota, Ps
R.k.pooram, Kota, Second Address C/o Ratan Lal Katara,
Ward No. 3, Mbil, Pan Karawada, Pohari Patelan, Tehsil
Simlawara, District Dungarpur (Owner)

----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 submits that the insured vehicle has falsely been identified and implicated in the accident in the present case. It is further submitted that while deciding Issue No.3, learned Tribunal has observed that the vehicle was insured with the company, the terms whereof prescribe that the insured vehicle is for private/personal use, however, the vehicle was being

used for taxi purposes (Hire & Reward) at the time when the accident occurred and thus, there was breach of policy conditions. However, the learned tribunal erred in fastening liability upon the appellant to satisfy the award.

2. The matter requires consideration.
3. Issue notice to respondent(s), returnable within six weeks.
4. Meanwhile, effect and operation of the impugned judgment and award dated 16.09.2025 passed by the learned Judge, Motor Accident Claims Tribunal, Dungarpur in Motor Accident Claim Case No.115/2024, 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 16.09.2025 within a period of eight weeks.
5. Upon deposit, the amount shall be disbursed to the claimant-respondents in terms of the award.
6. 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.
7. List after eight weeks.

(MUKESH RAJPUROHIT),J