

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

S.B. Civil Misc. Appeal No. 237/2026

Sbi General Insurance Co. Ltd., Having Its Registered And Corporate Office Natraj 101, 201 And 301 Junction Of Western Express Highway And Andheri Kurla Road Andheri East Mumbai Jaipur At First Floor 9 Dwarka Niwas Kailashpur Tonk Road Jaipur-302018. Through Its Authorized Representative

----Appellant

Versus

1. Smt. Bhawna Devi W/o Mahendra Kumar Ji Joshi, Village And Tehsil Revdar District Sirohi Claimants
2. Prince Dave S/o Mahendra Kumar Ji Joshi (Now Major), Village And Tehsil Revdar District Sirohi Claimants
3. Vikanshi Dave D/o Mahendra Kumar Ji Joshi, Village And Tehsil Revdar District Sirohi Claimants
4. Kanchan Devi W/o Narayan Lal Ji, Village And Tehsil Revdar District Sirohi Claimants
5. Pukhraj S/o Ramaji, R/o Gali No. 3 Ward No. 13 Tankariya Sirohi Driver
6. Devendra Kumar S/o Rama Ram, House No. 175 Gali No 5 Ward No. 13 Tankariya Sirohi Owner

----Respondents

For Appellant(s)	:	Mr. Jagdish Chandra Vyas
For Respondent(s)	:	Mr. Rajesh Panwar Mr. Mudit Vaishnav Mr. Gaurav Maru

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

23/02/2026

1. Learned counsel for the appellant submits that accident in question occurred on 18.06.2023 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 owner of the

vehicle in question who himself was driving the vehicle at the time of accident, did not have a driving license.

4. Learned counsel for the respondents 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. Rajesh Panwar accepts notice on behalf of respondent Nos.1 to 4.

7. At the oral request of learned counsel for appellant, service of notice upon respondent No.5 is hereby dispensed with at the risk and cost of appellant.

8. Issue notice to respondent No.6 only, returnable within six weeks.

9. Meanwhile, effect and operation of the impugned judgment and award dated 10.10.2025 passed by the learned Judge, Motor Accident Claims Tribunal, Sirohi in Motor Accident Claim Case No.141/2024 (CIS No.141/2024), shall remain stayed qua the appellant subject to the condition that the appellant - Insurance Company deposits 70% of the amount awarded by the Tribunal vide award dated 10.10.2025 within a period of eight weeks. The amount so deposited shall be disbursed to the claimants by the Tribunal in accordance with law.

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

11. 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.

12. Call for record.

13. List after eight weeks along with S.B. Civil Misc. Appeal No.647/2026.

(MUKESH RAJPUROHIT),J

20-mSingh/-