

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 929/2026

The New India Assurance Company Limited

----Appellant

Versus

Shimla Devi Wife Of Late Rishikesh Meena,

----Respondent

For Appellant(s) : Mr. Sanjay Kumar Singhal with
Mr. Firoz Akhtar Ansari and
Ms. Nistha Jain

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

24/02/2026

1. Counsel for the appellant-Insurance Company submits that it is the admitted case of the driver i.e. respondent No.7 that he did not have any license to ply the insured vehicle and in-spite of the above, he has driven the same and caused the accident on 19.04.2025. Counsel submits that under these circumstances, there was a breach of policy on the part of the insurer, hence, the Insurance Company is not liable to pay any sort of compensation to the claimant. But in-spite of the above, a direction has been issued by the Tribunal to the appellant-Insurance Company to pay the amount of compensation to the claimants and recover the same from the driver and owner of the registered/insured vehicle. Counsel submits that such a situation was prevailing prior to the amendment in the Motor Vehicles Act, 1988, but an amendment has been introduced under the Motor Vehicles

Act, 1988 on 01.04.2022, whereby now the Insurance Company is not liable to make the payment to the claimants and recover the same at later stage from the driver and owner of the registered vehicle. Counsel submits that under these circumstances, such a direction should not have been passed by the Tribunal.

2. Heard. Matter requires consideration.
3. Issue notice to the respondents, returnable within six weeks.
4. Notices be given 'dasti'.
5. In the meantime, the effect and operation of the impugned judgment/award dated 20.11.2025 passed by the Motor Accident Claims Tribunal, Sawai Madhopur in Claim Case No.153/2025 (CIS No.153/2025), qua the appellant-Insurance Company, shall remain stayed.
6. Call for the record.
7. This order shall come into effect only after service of notice upon the respondents.
8. The respondents would be at liberty to move application for vacation of this order after service.
9. Let a copy of this order be sent to the respondents along with notices.
10. List along with S.B. Civil Misc. Appeal No.925/2026.

(ANOOP KUMAR DHAND),J