

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Miscellaneous Appeal No. 810/2025

Tata Aig General Insurance Company Ltd. ----Appellant  
  
Versus  
Brijbihari S/o Late Shri Shivkumar ----Respondent  
  
with

S.B. Civil Miscellaneous Appeal No. 811/2025

Tata Aig General Insurance Company Ltd. ----Appellant  
  
Versus  
Smt. Sheela W/o Shri Daulatram, ----Respondent  
  
with

S.B. Civil Miscellaneous Appeal No. 812/2025

Tata Aig General Insurance Company Ltd. ----Appellant  
  
Versus  
Brijbihari S/o Late Shri Shivkumar ----Respondent

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| For Appellant(s)  | : | Mr. Chanderdeep Singh Jodha |
| For Respondent(s) | : |                             |

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**HON'BLE MR. JUSTICE ASHOK KUMAR JAIN**

**Order**

**13/02/2025**

1. Misc. appeal were filed from common award dated 14.11.2024 in claim case No. 278/2018, 279/2018 and 280/2018 passed by learned Motor Accident Claim, Bharatpur in petition under Section 166 and 140 of Motor Vehicles Act.

2. Learned counsel for appellant/non-claimant Insurance Company seriously raised the issue of non-involvement of vehicle insured with appellant-Insurance Company on the ground that a daily diary report exhibit 209, was registered just after the accident. A daily diary report dated 03.09.2017 registered at outpost Kheria Mod, District Bharatpur and exhibit 209 clearly reflect that accident was a result of hit by an unknown vehicle, which could not be traced later but after 31 days of incident FIR No. 341/2017 was registered on 04.10.2017 at Police Station Rudawal, District Bharatpur against vehicle insured with present appellant insurance company. He further submits that one of the so called eye witness has turned hostile before the Magistrate Court trying criminal offence arising out of FIR No. 341/2017 and other witness have denied involvement of vehicle. He submits that this is a case of false implication of vehicle to procure claim from appellant.

3. Having considered the submission of learned counsel for appellant insurance company, issue notice to respondents.

4. Additional set be issued through registered speed post.

5. Call for record.

6. The effect and operation of award dated 14.11.2024 in all three claim cases shall remain stayed till next date of hearing.

7. List this matter in the month of July, 2025.

(ASHOK KUMAR JAIN),J