

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 1593/2026

The Oriental Insurance Company Limited, Regional Office, D-244, Amrapali Marg, Hanuman Nagar, Near Union Bank, Vaishali Nagar, Jaipur, Through Manager, At Present Having Its Regional Office At 10Th Floor, N.B.C.C. Centre, Bima Bhawan, Sahakar Marg, Jaipur, Through Its Authorized Signatory. (Insurer Vehicle Trailer Temporary No. UP-32-ATC-1464) (RJ-31-GC-5835) (Insurance Validity Period From 02.08.2023 To 01.08.2023)

----Appellant/Non-Claimant

Versus

1. Sulochna W/o Shri Rajkumar, Aged About 50 Years, Resident Of Ward No. 16, Gali No. 1, Ambedkar Colony, Hanumangarh Town, District Hanumangarh, Rajasthan.
2. Rajkumar S/o Shri Bhanwarlal, Aged About 53 Years, Resident Of Ward No. 16, Gali No. 1, Ambedkar Colony, Hanumangarh Town, District Hanumangarh, Rajasthan.

----Respondents/Claimants

3. Gouri Shankar S/o Shri Beerbal, Resident Of Village Sherpura, Tehsil Lunkaransar, District Bikaner- 334604, Rajasthan. (Driver Of Vehicle Trailer Temporary No. UP-32-ATC-1464) (RJ-31-GC-5835)
4. Surendra S/o Shri Devilal, Resident Of Ward No. 05, Baramsar, Police Station Rawatsar, District Hanumangarh, Rajasthan, Vinayak Transport, Resident Of 24 DWD Highway, Rawatsar, Hanumangarh, SPW Gov. District Hanumangarh, Rajasthan- 335524. (Registered Owner Of Vehicle Trailer Temporary No. UP-32-ATC-1464) (RJ-31-GC-5835)

----Respondents/Non-Claimants

Connected With

S.B. Civil Miscellaneous Appeal No. 1138/2026

1. Sulochana W/o Shri Rajkumar, Aged About 50 Years, (Mother Of Deceased) R/o Ward Number 16, Gali Number 1, Ambedkar Colony, Hanumangarh Town, District Hanumangarh (Raj.)
2. Rajkumar S/o Shri Bhanwarlal, Aged About 53 Years, (Father Of Deceased) R/o Ward Number 16, Gali Number



1, Ambedkar Colony, Hanumangarh Town, District Hanumangarh (Raj.)

----Appellants/Claimants

Versus

- 1. Gauri Shankar S/o Birbal, R/o Gram Sherpura, Tehsil Lunkaransar, District Bikaner- 334604 (Raj.) (Driver Vehicle Trailer Temperali No. UP 32 ATC-1464) (RJ-31-GC-5835)
- 2. Surendra S/o Devilal, R/o- Ward No. 5, Baramsar, Police Station Rawatsar, District Hanumangarh (Raj.) Vinayak Transport, R/o 24 DWD Highway, Rawatsar, Hanumangarh SPW Gov. District Hanumangarh (Raj.) 335524 (Registered Owner Of Vehicle Trailer Temperali No. UP-32 ATC-1464) (RJ-31-GC-5835)
- 3. The Oriental Insurance Company Ltd., Regional Office- D-244, Amrapali Marg, Hanuman Nagar, Near Union Bank, Vaishali Nagar, Jaipur Through Manager (Insurance Company of Vehicle Trailer Temperali No. UP-32-ATC-1464) RJ-31-GC-5835) Policy Effective From 02-08-2023 To 01-08-2023

----Non-Claimants/Respondents

For Appellant(s)	:	Mr. Raajpal Choudhary, Adv. with Mr. Mohsin, Adv. for Mr. Rizwan Ahmed, Adv. for Insurance Company
For Respondent(s)	:	Mr. Arjun Sharma, Adv. for Claimants

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

Order

06/05/2026

In S.B. Civil Miscellaneous Appeal No. 1593/2026:-

Mr. Arjun Sharma, learned counsel accepts notice on behalf of respondent Nos.1 & 2.

Issue notice to the respondent Nos. 3 and 4 by both modes i.e., by ordinary process as well as by registered post, returnable within one week.

Requisites be filed within eight weeks.

Name of Mr. Arjun Sharma, Adv. be shown in the cause list as counsel for the respondents.

In S.B. Civil Miscellaneous Appeal No. 1138/2026:-

Mr. Raajpal Choudhary, Adv. appears for Mr. Rizwan Ahmed, Adv., accepts notice on behalf of respondent No.3.

Issue notice to respondent Nos. 1 and 2 by both modes i.e., by ordinary process as well as by registered post, returnable within one week.

Requisites be filed within eight weeks.

Name of Mr. Rizwan Ahmed, Adv. be shown in the cause list as counsel for the respondent.

Heard on Stay Application No. 1675/2026 in S.B. Civil Miscellaneous Appeal No. 1593/2026.

Learned counsel for the appellant contends that as per the amendment made under Section 150 of Motor Vehicles Act, 1988, which came into force w.e.f. 01.04.2022, the Insurance Company is not liable to make payment and later recover, in case, the driver of offending vehicle is not having any driving licence, therefore, the judgment and award dated 30.01.2026 passed by learned Special Judge, Printing and Stationery Embezzlement Case and Motor Accident Claims Tribunal, Jaipur District Jaipur in Claim Case No. 467/2025 be stayed. Learned counsel further contends that in the present matter, the driver of offending vehicle was not having any licence on the date of accident i.e. 14.08.2023, therefore, the

accident occurred after the amended provisions under Section 150 of the Motor Vehicles Act, 1988 came into effect.

In this regard, learned counsel for the appellant has referred the order dated 04.12.2024 passed by the Co-ordinate Bench of this Court in **S.B. Civil Miscellaneous Appeal No.4944/2024**.

Till then, the effect and operation of the impugned judgment and award dated 30.01.2026 passed by learned Special Judge, Printing and Stationery Embezzlement Case and Motor Accident Claims Tribunal, Jaipur District Jaipur in Claim Case No. 467/2025 qua the present appellant shall remain stayed.

Learned counsel for the respondents-claimants submits that the matter is subjudice before the Hon'ble Supreme Court, therefore, if the judgment of Hon'ble Supreme Court comes in favour of the respondents-claimants, then they shall be free to move an application for vacation of stay.

List both the matters after eight weeks.

(ASHUTOSH KUMAR),J