

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

S.B. Civil Miscellaneous Appeal No. 2238/2026

Shriram General Insurance Company Ltd., E-08, Industrial Area  
Sitapura, Jaipur (Raj.) Having Its Head Office E-8, E.P.I.P. RIICO  
Industrial Area, Sitapura, Jaipur, Rajasthan Through Its  
Constituted Attorney. (Insurance Company Of Bolero No. RJ-17-  
TA-1176).

----Non-Claimant/Appellant

Versus

1. Geeta Bai W/o Late Omprakash, Aged About 31 Years
2. Khushbu D/o Late Omprakash, Aged About 9 Years
3. Chandrakanta D/o Late Omprakash, Aged About 7 Years
4. Natti Bai D/o Late Omprakash, Aged About 5 Years
5. Natisha D/o Late Omprakash, Aged About 2 Years
- Claimants No.2 to 5 are minor through Her Natural  
Guardian and Mother Geeta Bai
6. Dhankha Bai W/o Tola Ram, Aged About 53 Years  
All R/o Natava Thana Hindoli District Bundi (Raj.).

----Claimants/Respondents

7. Santosh Gurjar S/o Gopilal, R/o Haripura District Bundi  
(Raj.). (Driver Of Vehicle Bolero No. RJ-17-TA-1176)
8. Dhanraj Verma S/o Bajrang Lal, R/o Bundi Ka Gothda,  
District Bundi (Raj.) (Owner Of Vehicle Bolero No. RJ-17-  
TA-1176)

----Non-claimants/Respondents

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For Appellant(s) : Mr. Virendra Agrawal, Adv.

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**HON'BLE MR. JUSTICE ASHUTOSH KUMAR**

**Order**

**07/05/2026**

1. This appeal has been filed by the appellant-Insurance  
Company against the judgment and award dated 27.02.2026  
passed by learned Motor Accident Claims Tribunal No.1, Bundi  
(hereinafter referred to as learned 'Tribunal') in Claim Case

No.64/2025, whereby, the claim petition filed by the claimants-respondents has been partly allowed and an award of Rs.18,21,428/- along with an interest @ 6 % per annum has been passed in favour of claimants-respondents.

2. Learned counsel for the appellant submits that in this matter, the accident has occurred on 02.11.2024 and as per the amended provisions under Section 150 of the Motor Vehicles Act, 1988 which has come into force w.e.f. 01.04.2022, no order of pay and recover shall be made against the insurance company, if there is any breach of policy. Learned counsel further submits that in this matter, the offending vehicle was being driven without having any permit, thereby, the direction given by the learned Tribunal to the Insurance Company, to first pay the award and then recover the same from the driver and owner of the offending vehicle, is erroneous, therefore, it is prayed that the same may be stayed.

3. In this regard, learned counsel for the appellant-Insurance Company has drawn attention of this Court towards the order dated 04.12.2024 passed by the Coordinate Bench of this Court in S.B. Civil Miscellaneous Appeal No. 4944/2024 and also, the order dated 28.01.2026 passed by this Court in S.B. Civil Miscellaneous Appeal No. 359/2026, whereby this Court has stayed the operation of the impugned judgment, where direction with regard to pay and recover were given by learned Tribunal.

4. The matter requires consideration.

5. Issue notice to the respondents by both modes i.e., by ordinary process as well as by registered post, returnable within six weeks. Requisites be filed within one week.

6. List the matter after six weeks.

7. Till then, the effect and operation of the impugned judgment and award dated 27.02.2026 passed by learned Motor Accident Claims Tribunal No.1, Bundi in Claim Case No.64/2025 shall remain stayed.

8. In the meanwhile, record of the Court below be summoned.

**(ASHUTOSH KUMAR),J**

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