

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 4996/2024

Bajaj Allianz General Insurance Co. Ltd.

----Appellant

Versus

Basanti Devi Wife Of Mahesh Kumar

----Respondent

For Appellant(s) : Ms. Sonal Singh & Ms. Swati Daga for
Mr. Alok Garg

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

16/12/2024

1. Aggrieved from award dated 21.09.2024 in MAC Case no. 186/2020 passed by learned Motor Accidents Claim Tribunal, Sikar instant civil misc. appeal is preferred by appellant non-claimant Insurance Company on the ground of false involvement of vehicle insured with appellant Insurance Company in order to procure claim on death of Mahesh Kumar.

2. Learned counsel referred order dated 13.08.2024 in S.B. CMA no. 2379/2022 and 194/2023 and submits that in similarly placed circumstances, a Co-ordinate Bench of this Court has allowed the appeal of Insurance Company and exonerated insurance company from payment under the award. She further submits that just after the incident a report was registered in daily diary of concerned police station wherein it was mentioned that unknown vehicle has caused the accident and the entire case was registered as case of hit and run. She further submits that after two days a report was registered implicating a vehicle insured with

appellant company, wherein a false witness was also named as an eye-witness to the incident. She further referred the defence raised by Insurance Company before the Tribunal and submits that the documents were overlooked by the Tribunal, before fastening liability upon appellant.

3. Considered submissions of learned counsel for appellant.
4. Issue notice to respondent nos. 1 to 7. Additional set be issued through registered speed post.
5. Call for record.
6. Considered stay application.
7. The effect and operation of award dated 21.09.2024 shall remain stayed till further orders.
8. List in the month of May, 2025.

(ASHOK KUMAR JAIN),J