

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

S.B. Civil Miscellaneous Appeal No. 5497/2018

Mahaveer Prasad S/o Shri Malaram & Anr.

----Appellants

Versus

Tara Chand S/o Sh. Phool Chand & Ors.

----Respondents

For Appellant(s)	:	None present
For Respondent(s)	:	Mr. Virendra Agrawal

HON'BLE MR. JUSTICE BIRENDRA KUMAR

Order

02/03/2022

No one has appeared for the appellants.

Learned counsel for the respondent No.3-Insurance Company has seriously contended that notice to owner of the vehicle and driver, who are respondents No.1 & 2 are necessary and primary liability lies to those respondents and unless their liability is established which cannot be done in their absence, liability of Insurance Company would not be there. In the circumstance, order dated 24.2.2021 stands modified to the extent that notices be sent to the respondents No.1 and 2 also through both the processes.

Appellant shall file requisite within two weeks.

(BIRENDRA KUMAR),J