

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 5166/2024

ICICI Lombard General Insurance Company Ltd.

----Appellant

Versus

Usha Kumari W/o Jugraj & Ors.

----Respondents

For Appellant(s) : Mr. Chandradeep Singh Jodha with
Mr. Rajdeep Rathore

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

16/12/2024

1. Aggrieved from award dated 21.09.2024 in Claim Case No.249/2018 by Motor Accident Claim Tribunal, Aklera, District Jhalawar, the instant appeal is preferred by appellant/non-claimant i.e., Insurance Company on ground of false involvement of vehicle insured with appellant to procure claim on death of Jugraj.
2. Learned counsel has referred FIR No.53/2018 registered at Police Station Ghatoli, District Jhalawar on 02.04.2018 and submits that FIR was registered against Pickup Vehicle No. MP-09-GF-2725 but during investigation when this fact was came to notice that there was no insurance cover for this vehicle then two other witnesses were planted and a new Vehicle No.RJ-17-GA-6120 was implicated so that legal heirs of deceased Jugraj may secure claim from present appellant-insurance company. He submits that subsequently added witnesses were not named in the FIR and the owner of the Vehicle No. MP-09-GF-2725 has already

expired on 15.06.2018. An obituary "message" was already placed on record by appellant. He also submits that they have filed investigation report before the Tribunal but the Tribunal has failed to take cognizance of correct facts of the case, while fastening the liability upon the insurance company (appellant).

3. Having considered aforesaid, issue notice to respondent Nos.1 to 7.
4. Additional set be issued through registered speed post.
5. The effect and operation of the award dated 21.09.2024 shall remain stayed till further orders.
6. Call for the record.
7. List the matter in the month of May, 2025.

(ASHOK KUMAR JAIN),J