

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 200/2026

The New India Insurance Company Ltd,

----Appellant

Versus

Kishni Devi W/o Sugna and Ors.

----Respondents

For Appellant(s) : Mr. Lokesh Parihar

For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

25/02/2026

1. Counsel for the appellant submits that in-fact the offending vehicle bearing No.RJ-14GC-3055 was never insured with the appellant-Insurance Company. Counsel submits that a fake policy bearing No.33120031150100004946 was produced on record before the Tribunal. Counsel submits that when the facts were verified, the aforesaid policy was issued for a two wheeler bearing registration No.RJ-14SX-4157. Counsel submits that these facts were brought on record of the Tribunal, but the same were not taken into consideration and the impugned award has been passed against the appellant as well as the driver and owner of the vehicle and has fastened the liability upon the Insurance Company as well. Counsel submits that once the vehicle in question was not insured with the Insurance Company, then under these circumstances, the appellant is not liable to pay any compensation to the claimant.

2. Heard. The matter requires consideration.
3. Issue notice of the appeal as well as the stay application to the respondents. Rule is made returnable by six weeks.
4. In the meantime, the effect and operation of the impugned award dated 26.08.2025 shall remain stayed qua the appellant, provided the appellant deposits half of the amount of compensation along with interest with the Tribunal within a period of four weeks from today.
5. The Tribunal is directed not to disburse the aforesaid amount to the claimant and the same shall be kept in fixed deposit for a period of one year.
6. The Tribunal would be at liberty to proceed with the Execution proceedings against the driver and owner of the vehicle.
7. Notices be given '*dasti*'.
8. The respondents would be at liberty to move an application for vacation of this order after service.
9. Let a copy of this order be sent to the respondents along with notices.

(ANOOP KUMAR DHAND),J