HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Misc. Appeal No. 1168/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Himanshu S/o Sh. Jai Prakash, By Caste Jat, Resident Of Chak 3 B.l.w. Goluwala Through Its Natural Guardian Father Jai Prakash S/o Sh. Lekhram, By Caste Jat, Resident Of Chak 3 B.l.w. Goluwala, Tehsil Pilibanga, District Hanumangarh. Claimant
2. Hadmana Ram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799
3. Shilawati Devi W/o Sh. Rameshwar Lal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799
4. The New India Insurance Company Limited, Sri Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799
5. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783
6. Hansraj S/o Sh. Ram Pal, By Caste Suthar, Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

Connected With

S.B. Civil Misc. Appeal No. 1160/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Bheem Sain S/o Sh. Laduram, By Caste Jat, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
2. Roshni W/o Sh. Bheem Sain, By Caste Jat, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799
4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799
5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799
6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783
7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1161/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Nathu Ram S/o Sh. Ram Karan, By Caste Jat, R/o Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Raj. . Claimant
2. Krishna W/o Sh. Nathu Ram, By Caste Jat, R/o Chak 45

L.l.w. Tehsil Padampur, District Sri-Ganganagar. Raj. . Claimant

3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799

4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799

5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799

6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783

7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1163/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Kalu Ram S/o Hs. Jota Ram, By Caste Jat, Resident Of Mahiyawali, Tehsil And District Sri-Ganganagar. Claimant

2. Vimla W/o Kalu Ram, By Caste Jat, Resident Of Mahiyawali, Tehsil And District Sri-Ganganagar. Claimant

3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799

4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799

5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799
6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783
7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1164/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Krishan Lal S/o Sh. Ladu Ram, By Caste Jat, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
2. Suman W/o Sh. Krishan Lal, By Caste Jat, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799
4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799
5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799
6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower,

Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783

7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1165/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Krishan Lal S/o Sh. Ladu Ram, By Caste Jat, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
2. Suman W/o Sh. Krishan Lal, By Caste Jat, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799
4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799
5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799
6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783
7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1166/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Tek Chand S/o Sh. Rameshwar Lal, By Caste Brahmin, Resident Of Chak 44 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
2. Nirmala W/o Sh. Tek Chand, By Caste Brahmin, Resident Of Chak 44 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799
4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799
5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799
6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783
7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1167/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Sukhjeet S/o Sh. Pyare Lal, By Caste Arora, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
2. Anita W/o Sh. Sukhjeet, By Caste Arora, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant
3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799
4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799
5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799
6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783
7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1169/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Subash Chandra S/o Sh. Lekhram, By Caset Jat, Resident Of Chak 3 B.l.w. Goluwala, Tehsil Pilibanga, District Hanumangarh. Claimant
2. Sharmila W/o Subash Chandra, By Caste Jat, Resident Of

Chak 3 B.l.w. Goluwala, Tehsil Bilibanga, District Hanumangarh. Claimant

3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799

4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799

5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799

6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783

7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1170/2017

Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amrit Pal, By Caste Brahmin Resident Of Goluwala Tehsil Pilibanga, District Hanumangarh. Owner Bus No. Rj-31-Pa-2783

----Appellant

Versus

1. Sukhjeet S/o Sh. Pyare Lal, By Caste Arora, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant

2. Anita W/o Sh. Sukhjeet, By Caste Arora, Resident Of Chak 45 L.l.w. Tehsil Padampur, District Sri-Ganganagar. Claimant

3. Hadmanaram S/o Sh. Bastiram, By Caste Bishnoi, Resident Of Bandala, Tehsil Nokha, District Bikaner. Truck Driver No. Rj-07-Ga-8799

4. Shilawati Devi W/o Sh. Rameshwarlal, Resident Of Ward

No. 5, Jai Singh Desar Magra, Tehsil Nokha, District Bikaner. Owner Truck No. Rj-07-Ga-8799

5. The New India Insurance Company Limited, Sri-Ganganagar Road, Hanumangarh Junction Through Its Branch Manager. Insurance Company Truck No. Rj-07-Ga-8799

6. Chola Mandalam M.s General Insurance Company Ltd., Hanumangarh Through Second Ground Floor K.p. Tower, Opposite O.s Motors, Bombay Motor Circle, Jodhpur Through Its Legal Manager. Insurance Company Bus No. Rj-31-Pa-2783

7. Hansraj S/o Sh. Ram Pal, By Caste Suthar Resident Of Ward No. 1 Surawali, Tehsil Pilibanga District Hanumangarh. Bus Driver No. Rj-31-Pa-2783

----Respondents

S.B. Civil Misc. Appeal No. 1172/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office- I, Abhay Chambers, Jalory Gate, Jodhpur.

----Appellant

Versus

1. Kalu Ram S/o Shri Jot Ram Jat,

2. Smt. Vimla W/o Shri Kalu Ram Jat, Both Resident Of Mahiyawali, Tehsil And District Sriganganagar. ...claimants

3. Hadmana Rama Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner. Truck Driver

4. Smt. Sheelawati, Devi W/o Shri Rameshwarlal, Resident Of Ward No. 5 Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner

5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No. 1, Suranwali, Tehsil Pilibanga, District Hanumangarh. Bus Driver

6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner

7. Cholamandalam Ms General Insurance Company Ltd.,

Through Its Manager, Law K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasani Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1304/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur

----Appellant

Versus

1. Sukhjeet S/o Shri Pyarelal Arora.
2. Smt. Anita W/o Shri Sukhjeet Arora., Both Residents Of Chak - 45 Llw, Tehsil Padampur, District Sriganganagar.
3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner.
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No.1, Suranwali, Tehsil Pilibanga, District Hanumangarh Bus Driver.
6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner.
7. Cholamandalam Ms General Insurance Company Ltd. Through Its Manager, Law, K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasni Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1305/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur

----Appellant

Versus

1. Bhimsen S/o Shri Ladu Ram Jat.
2. Smt. Roshani W/o Shri Bhimsen Jat., Both Residents Of Chak - 45 Llw, Tehsil Padampur, District Sriganganagar.
3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner.
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No.1, Suranwali, Tehsil Pilibanga, District Hanumangarh Bus Driver.
6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner.
7. Cholamandalam Ms General Insurance Company Ltd. Through Its Manager, Law, K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasni Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1306/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur.

----Appellant

Versus

1. Bhanwarlal S/o Shri Ranjeet Jat.
2. Smt. Manju W/o Shri Bhanwarlal Jat., Both Residents Of Pakka Bhadwa, Tehsil And District Hanumangarh.
3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner.
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No.1, Suranwali, Tehsil Pilibanga, District Hanumangarh Bus

Driver.

6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner.

7. Cholamandalam Ms General Insurance Company Ltd. Through Its Manager, Law, K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasni Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1312/2017

The New India Assurance Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-1, Abhay Chambers, Jalore Gate, Jodhpur.

----Appellant

Versus

1. Tekchand S/o Shri Rameshwar Lal, By Caste Brahman,

2. Smt. Nirmla W/o Shri Tekchand, By Caste Brahman. Both Resident Of Chak-44, Llw, Tehsil Sadulshahar, District Sriganganagar.

3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.

4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner

5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No. 1, Suranwali, Tehsil Pilibanga, District Hanumangarh. Bus Driver

6. Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Sh. Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner

7. Cholamandalam Ms General Insurance Company Ltd., Through Its Manager, Law K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasani Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1313/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-1, Abhay Chambers, Jalore Gate, Jodhpur.

----Appellant

Versus

1. Natthu Ram S/o Shri Ramkaran Jat.
2. Smt. Krishna W/o Shri Natthu Ram Jat., Both Resident Of Chak - 45 Llw, Tehsil Padampur, District Sriganganagar.
3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No. 5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No. 1, Suranwali, Tehsil Pilibanga, District Hanumangarh. Bus Driver
6. Saraswati Model School Samiti, Goluwala Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner
7. Cholamandalam Ms General Insurance Company Ltd., Through Its Manager, Law K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasani Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1316/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur.

----Appellant

Versus

1. Subhash Chandra S/o Shri Lekhram Jat.
2. Smt. Sharmila W/o Shri Subhash Chandra Jat., Both Residents Of Chak-3, Blw, Goluwala, Tehsil Pilibanga, District Hanumangarh.

3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner.
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No.1, Suranwali, Tehsil Pilibanga, District Hanumangarh Bus Driver.
6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner.
7. Cholamandalam Ms General Insurance Company Ltd. Through Its Manager, Law, K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasni Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1318/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur.

----Appellant

Versus

1. Krishna Lal S/o Shri Ladu Ram Jat.
2. Smt. Suman W/o Shri Krishna Lal Jat., Both Residents Of Chak - 45 Llw, Tehsil Padampur, District Sriganganagar.
3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner.
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No.1, Suranwali, Tehsil Pilibanga, District Hanumangarh Bus Driver.
6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin,

Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner.

7. Cholamandalam Ms General Insurance Company Ltd. Through Its Manager, Law, K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasni Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1405/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur.

----Appellant

Versus

1. Krishna Lal S/o Shri Ladu Ram Jat,
2. Smt. Suman W/o Shri Krishna Lal Jat, Both Resident Of Chak -45, Llw, Tehsil Padampur, District Sriganganagar.
3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Turck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No. 5 Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No. 1, Suranwali, Tehsil Pilibanga, District Hanumangarh. Bus Driver
6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner
7. Cholamandalam Ms General Insurance Company Ltd., Through Its Manager, Law K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasani Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1406/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur.

----Appellant

Versus

1. Sukhjeet S/o Shri Pyarelal Arora,
2. Smt. Anita W/o Shri Sukhjeet Arora., Both Residents Of Chak - 45 Llw, Tehsil Padampur, District Sriganganagar.
3. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
4. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District Bikaner Truck Owner.
5. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No.1, Suranwali, Tehsil Pilibanga, District Hanumangarh Bus Driver.
6. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner.
7. Cholamandalam Ms General Insurance Company Ltd. Through Its Manager, Law, K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasni Road, Jodhpur. Insurer Of Bus

----Respondents

S.B. Civil Misc. Appeal No. 1433/2017

The New India Assurance Company Ltd., Through Its Authorized Office, T.p. Claims Hub, Divisional Office-I, Abhay Chambers, Jalori Gate, Jodhpur

----Appellant

Versus

1. Himanshu S/o Shri Jaiprakash Jat Minor, Minor, Through His Natural Guardian Father Shri Jaiprakash Jat S/o Shri Lekhram Jat, Resident Of Chak-3, Blw, Goluwala, Tehsil Pilibanga, Disttrict Hanumangarh.
2. Hadmana Ram S/o Shri Basti Ram Vishnoi, Resident Of Village Bandhala, Tehsil Nokha, District Bikaner Truck Driver.
3. Smt. Sheelawati Devi W/o Shri Rameshwarlal, Resident Of Ward No.5, Jaisinghdesar Magra, Tehsil Nokha, District

Bikaner Truck Owner.

4. Hansraj S/o Shri Rampal Suthar, Resident Of Ward No.1, Suranwali, Tehsil Pilibanga, District Hanumangarh Bus Driver.

5. Saraswati Modal School Samitee, Goluwala, Through Its Manager Madan Gopal S/o Shri Amritpal Brahmin, Resident Of Village Goluwala, Tehsil Pilibanga, District Hanumangarh Bus Owner.

6. Cholamandalam Ms General Insurance Company Ltd. Through Its Manager, Law, K.p. Tower, Ii Floor, Opp. O.s. Motors, Near Bombay Motors Circle, Chopasni Road, Jodhpur. Insurer Of Bus

----Respondents

For Appellant(s)	:	Mr. Dishant Kiroriwal Mr. Chirag Kalani
For Respondent(s)	:	Mr. Jagdish Vyas-New India Insurance Company Mr. Aditya Singhi- Cholamandalam Ms General Insurance Company Mr. RS Gill for respondent -Hansraj Mr. Shardul Bishnoi, for respondent No.3 Mr. Narendra Rajpurohit for Mr. Dron Kaushik

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HON'BLE DR. JUSTICE NUPUR BHATI

Order

12/02/2025

(SB Civil Misc. Appeals Nos.1168/2017, 1160/2017, 1161/2017, 1163/2017, 1164/2017, 1165/2017, 1166/2017, 1167/2017, 1169/2017 and 1170/2017)

1. The present Civil Misc. Appeals have been filed by the owner of the bus bearing registration No.RJ-31-PA-2783 being aggrieved by the impugned award dated 23.01.2017 passed in Civil Misc. Claim Nos.52/2014, 3/2014, 2/2014, 6/2014, 8/2014, 7/2014,

23/2014, 4/2014, 51/2014 and 5/2014 Hanumangarh whereby, the respondent-Cholamandalam Ms General Insurance Company Ltd (Insurance Company of the bus) was exonerated from liability to pay the compensation with a direction to pay and recover from appellant-owner and driver of the bus.

2. Learned counsel for the appellant-owner submits that the learned Tribunal in the impugned award dated 23.01.2017 has held that the driver of the bus was not having valid driving license to drive the mini bus as the driver of the bus was having the license to drive Light Motor Vehicles only. He further submits that the Hon'ble Supreme Court in the case of "*M/s Bajaj Alliance General Insurance Company Ltd. v. Rambha Devi & Ors.*" Civil Appeal No.841 of 2018 decided on 06.11.2024 has upheld the decision in the case of "*Mukund Dewangan vs. Oriental Insurance Company Ltd.*" 2017 14 SCC 663 and thus, the driver of the bus which is registered as passenger vehicle was not required to have transport vehicle license. Relevant part of the aforesaid judgment is reproduced hereunder:-

> "…. ***131***. *Our conclusions following the above discussion are as under:-*
>
> *(I) A driver holding a license for Light Motor Vehicle (LMV) class, under Section 10(2)(d) for vehicles with a gross Page 125 of 126 vehicle weight under 7,500 kg, is permitted to operate a 'Transport Vehicle' without needing additional authorization under Section 10(2)(e) of the MV Act specifically for the 'Transport Vehicle' class. For licensing purposes, LMVs and Transport Vehicles are not entirely separate classes. An overlap exists between the two. The special eligibility requirements will however continue to apply for, inter alia, e-carts, e-rickshaws, and vehicles carrying hazardous goods.*

(II) The second part of Section 3(1), which emphasizes the necessity of a specific requirement to drive a 'Transport Vehicle,' does not supersede the definition of LMV provided in Section 2(21) of the MV Act.

(III) The additional eligibility criteria specified in the MV Act and MV Rules generally for driving 'transport vehicles' would apply only to those intending to operate vehicles with gross vehicle weight exceeding 7,500 kg i.e. 'medium goods vehicle', 'medium passenger vehicle', 'heavy goods vehicle' and 'heavy passenger vehicle'.

(IV) The decision in Mukund Dewangan (2017) is upheld but for reasons as explained by us in this judgment. In the absence of any obtrusive omission, the decision is not per incuriam, even if certain provisions of the MV Act and MV Rules were not considered in the said judgment. ….."

3. Learned counsel for the respondent- Cholamandalam Ms General Insurance Company Ltd is unable to refute the submissions made by learned counsel for the appellant-owner of the bus. He also submits that the insurance company (Cholamandalam Ms General Insurance Company Ltd) has already deposited its share of the compensation.

4. In view of the submissions made and taking into consideration the judgment passed by the Hon'ble Supreme Court in the case of *Rambha Devi (supra)* wherein the decision in the case of *Mukund Dewangan (supra)* was upheld, the direction given to the respondent- Cholamandalam Ms General Insurance Company Ltd in the impugned award dated 23.01.2017 to the extent of pay and recover is quashed and set aside. All the non-applicants are held jointly and severally liable to pay their respective share of compensation as awarded by the learned

Tribunal in the respective claim petitions along with the interest, if not already paid/deposited.

5. Accordingly, the instant misc. appeals are partly allowed in the above terms.

6. A copy of this order be placed in each file.

(SB Civil Misc. Appeals Nos.1172/2017, 1304/2017, 1305/2017, 1306/2017, 1312/2017, 1313/2017, 1316/2017, 1318/2017, 1405/2017, 1406/2017 and 1433/2017)

1. Learned counsel for the appellants submits that in the spirit of Lok Adalat, the appellant-Insurance Company has decided to withdraw the appeals filed by it in light of the Memorandum of Understanding dated 05.12.2024 with liberty to move an application for recalling of the order in the event of if any appeal/s or cross-objection/s are filed by the claimants and has also agreed to comply with its share of the award.

2. In view of the submissions made hereinabove and looking to the fact that as the appellant-Insurance Company, in the spirit of Lok Adalat, has decided to withdraw the appeals with an understanding to comply its share of the award, the present appeals are dismissed as withdrawn accordingly.

3. The Memorandum of Understanding dated 05.12.2024 are taken on record.

4. A copy of this order be placed in each file.

(DR. NUPUR BHATI),J

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