HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 17045/2026
CNR: RJHC010748862026 | URN: CW / 29858U / 2026

Tata A.I.G. General Insurance Company Limited, Through Branch Manager Tata A.i.g. General Insurance Company Limited Branch Office Peninsula Corporate Park Peeramal Tower Navi Manjil Ganpatrao Kadam Marg Lower Parel Mumbai 400013 (Insurer Of Vehicle Truck Trailer No. Up-22-At-1464)

----Petitioner

Versus

1. Satyanarayan Choudhary S/o Ramchandra Ji Choudhary, Aged About 42 Years, R/o Kewalpura Tehsil Bari Sadri Dist. Chittorgarh Raj.
2. Nana Lal S/o Ramchandra Ji Choudhary, Aged About 40 Years, R/o Kewalpura Tehsil Bari Sadri Dist. Chittorgarh Raj. Claimant
3. Javed Ali S/o Shri Nawab Hussain, R/o 101 Swar Khurd Semariya Tehsil Milk Rampur Bilaspur Dist. Rampur U.p. (Owner Of Vehicle Truck Trailer No. Up-22-At-1464)
4. Ajeem S/o Ali Ahmed, R/o Village Sankara Post Narkhera Tehsil Bilaspur Dist. Rampur U.p. 244901 (Driver Of Vehicle Truck Trailer No. Up-22-At-1464)

----Respondents

Connected with

S.B. Civil Writ Petition No.17053/2026
CNR: RJHC010748462026 | URN: CW / 29874U / 2026

Tata A.I.G. General Insurance Company Limited, Through Branch Manager Tata A.i.g. General Insurance Company Limited Branch Office Peninsula Corporate Park Peeramal Tower Navi Manjil Ganpatrao Kadam Marg Lower Parel Mumbai 400013 Through The Authorized Signatory At Ashok Kumar S/o Omprakash (Insurer Of Vehicle Truck Trailer No. Up-22-At-1464)

----Petitioner

Versus

1. Smt. Roshan Bai W/o Shri Dal Chand, R/o 634 Sadar

Bazar Bambora Dist. Udaipur Raj. Claimant

2. Javed Ali S/o Shri Nawab Hussain, R/o 101 Swar Khurd Semariya Tehsil Milk Rampur Bilaspur Dist. Rampur U.p. (Owner Of Vehicle Truck Trailer No. Up-22-At-1464)

3. Ajeem S/o Ali Ahmed, R/o Village Sankara Post Narkhera Tehsil Bilaspur Dist. Rampur U.p. 244901 (Driver Of Vehicle Truck Trailer No. Up-22-At-1464)

----Respondents

S.B. Civil Writ Petition No. 17059/2026
CNR: RJHC010748042026 | URN: CW / 29891U / 2026

Tata A.I.G. General Insurance Company Limited, Through Branch Manager Tata A.i.g. General Insurance Company Limited Branch Office Peninsula Corporate Park Peeramal Tower Navi Manjil Ganpatrao Kadam Marg Lower Parel Mumbai 400013. (Insurer Of Vehicle Truck Trailer No. Up 22 At 1464)

----Petitioner

Versus

1. Smt. Lakshmi Lal Chaudhary W/o Shri Ram Chandra, Aged About 41 Years, R/o Bansi, Post Bansi Bari Sadari Dist. Chittorgarh.

2. Javed Ali S/o Shri Nawab Hussain, Age Major, R/o 101, Swar Khurd Semariya, Tehsil Milk Rampur Bilaspur, District Rampur (Up) (Owner Of Vehicle Truck Trailer No. Up 22 At 1464)

3. Ajeem S/o Ali Ahmed, Age Major, R/o Village Sankara, Post Narkhera, Tehsil Bilaspur, District Rampur (U.p.) 244901 (Driver Of Vehicle Truck Trailer No. Up 22 At 1464)

----Respondents

S.B. Civil Writ Petition No. 17060/2026
CNR: RJHC010745192026 | URN: CW / 29893U / 2026

Tata A.I.G. General Insurance Company Limited, Through Branch Manager Tata A.i.g. General Insurance Company Limited Branch Office Peninsula Corporate Park Peeramal Tower Navi Manjil Ganpatrao Kadam Marg Lower Parel Mumbai 400013. (Insurer Of Vehicle Truck Trailer No. Up 22 At 1464)

----Petitioner

Versus

1. Pushpa Devi D/o Shri Shankar Lal Choudhary, Aged About 47 Years, R/o Mahadev Gali Banshi Post Banshi Tehsil Barisadri (Raj.). Dist. Chittorgarh.
2. Lakshmi Lal Chaudhary S/o Shri Ram Chandra Ji Choudhary, Aged About 46 Years, R/o Bansi, Post Bansi Bari Sadari Dist. Chittorgarh. (Raj.).
3. Javed Ali S/o Shri Nawab Hussain, Age Major, R/o 101, Swar Khurd Semariya, Tehsil Milk Rampur Bilaspur, District Rampur (Up) (Owner Of Vehicle Truck Trailer No. Up 22 At 1464)
4. Ajeem S/o Ali Ahmed, Age Major, R/o Village Sankara, Post Narkhera, Tehsil Bilaspur, District Rampur (U.p.) 244901 (Driver Of Vehicle Truck Trailer No. Up 22 At 1464)

----Respondents

S.B. Civil Writ Petition No. 17094/2026
CNR: RJHC010748832026 | URN: CW / 29942U / 2026

Tata A.I.G. General Insurance Company Limited, Through Branch Manager Tata A.i.g. General Insurance Company Limited Branch Office Peninsula Corporate Park Peeramal Tower Navi Manjil Ganpatrao Kadam Marg Lower Parel Mumbai 400013.through The Authorized Signatory Of Ashok Kumar Sharma Sloom Prakash (Insurer Of Vehicle Truck Trailer No. Up 22 At 1464)

----Petitioner

Versus

1. Smt. Pushpa Devi W/o Shri Shankar Lal Choudhary, Aged About 47 Years, R/o Heeta Post Bhinder Tehsil Bhinder Distt. Udaipur.
2. Javed Ali S/o Shri Nawab Hussain, Age Major, R/o 101, Swar Khurd Semariya, Tehsil Milk Rampur Bilaspur, District Rampur (Up) (Owner Of Vehicle Truck Trailer No. Up 22 At 1464)
3. Ajeem S/o Ali Ahmed, Age Major, R/o Village Sankara, Post Narkhera, Tehsil Bilaspur, District Rampur (U.p.)

244901 (Driver Of Vehicle Truck Trailer No. Up 22 At 1464)

----Respondents

For Petitioner(s)	:	Mr. Vishal Singhal
For Respondent(s)	:	

JUSTICE ANOOP KUMAR DHAND

Order

03/08/2026

1. Since common question of law and facts is involved in the instant petitions, hence, the same are being decided by this common order.

2. For the sake of convenience, the facts of S.B. Civil Writ Petition No.17045/2026 have been taken into consideration.

3. The instant writ petition has been preferred against the impugned order dated 30.04.2026, passed by the Motor Accidents Claims Tribunal-II Udaipur in MAC Case No.528/2022, by which the application submitted by the petitioner-Insurance Company under Order 16 Rule 14 read with Section 151 CPC for summoning the Investigating Officer Mahendra Singh as Court witness, has been rejected.

4. Learned counsel for the petitioner submits that examination of the aforesaid witness is essential for just and proper adjudication of the matter, as there is a dispute of fact as to whose negligence caused the accident. Counsel further submits that though the application submitted by the petitioner has been considered and a liberty has been granted to the petitioner to produce the aforesaid witness on its own, but the Court below has

refused to summon the aforesaid witness in the witness box. Counsel submits that the Investigating Officer is a Government Official and he would not appear before the Tribunal at the request or at the instance of the petitioner. Hence, interference of this Court is warranted.

5. Heard and considered the submissions made at the Bar and perused the material available on the record.

6. Considering the arguments put forward by learned counsel for the petitioner and looking to the fact that the application submitted by the petitioner under Order 16 Rule 14 read with Section 151 CPC has been taken into account by the Tribunal, however, no directions have been issued to summon the aforesaid witness as Court witness. Although a liberty has been granted to the petitioner to produce the aforesaid witness at the end of the Insurance Company i.e. petitioner itself.

7. This Court finds force in the submission of the counsel for the petitioner that the aforesaid witness, who happens to be a Government Servant i.e. Police Officer, would not appear at the request of the petitioner.

8. In the considered opinion of this Court, if the evidence of the aforesaid witness is essential for just decision of the case, he is required to appear in the witness box as Court witness. But looking to the fact that the application has been submitted by the petitioner at a belated stage of the trial i.e. at the fag end of the trial when the matter was posted for final arguments, this Court deems it just and proper to direct the petitioner to pay cost amount of Rs.10,000/- to the claimants-respondents in each claim petitions within a period of two weeks from today.

9. If the aforesaid cost amount is paid by the petitioner to each of the claimants by the petitioner within above stipulated time, the Tribunal shall summon the Investigating Officer Mr. Mahendra Singh by fixing a short fixed date.

10. In case, the aforesaid witness appears before the Tribunal, it is expected from the Tribunal to record his evidence without deferring the matter to some other day and all possible endeavours shall be made to record his evidence on the same day. However, due to paucity of time, his evidence is not recorded on the said day, then the Tribunal shall fix a further short date for recording his evidence.

11. It is made clear that no request for adjournment or deferment of the case shall be entertained by the Tribunal.

12. With the aforesaid observations, all the instant writ petitions stand disposed of. The stay applications and all pending applications, if any, also stand disposed of.

13. The reason for passing this *ex-parte* order is to avoid further delay in disposal of the claim petition submitted by the petitioner, as the matter before the Tribunal has reached to its fag end.

14. In case, this Court passes an interim order staying further proceedings before the Tribunal, the adjudication of the matter would take even further more time. Even if the claimants-respondents feel aggrieved by this *ex-parte* order, they would be at liberty to move appropriate application for recall of this order by way of filing revival application.

(ANOOP KUMAR DHAND),J

KuD/45,46,49,50&51