

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case:- CM(M) No. 157/2025

1. Kapor Begum, Age 81 years,
W/o Mohd. Fazal.
 2. Mohd. Azam, Age 57 years,
S/o Mohd. Fazal.
 3. Naz Begum, Age 47 years,
W/o Mohd. Azam.
 4. Raza Alahi, Age 24 years,
S/o Mohd. Azam.
 5. Rehan Azam Manhas, Age 17 years,
S/o Mohd. Azam.
- All residents of Fazalabad, Tehsil
Surankote, District Poonch.
(Petitioner No. 5 through petitioner
No. 1 Kapor Begum)

.....Petitioner(s)

Through: Mr. Sarfraaz Shah, Advocate.

Vs

1. Union Territory of Jammu & Kashmir
through Presiding Officer, Motor
Accidents Claim Tribunal, Poonch.
2. Iffco Tokio General Insurance Co. Ltd.
45/6, Sector Sainik Colony, National
Highway, Jammu.

..... Respondent(s)

.Proforma Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(30.06.2025)

1. On account of death of one Abrar Azam in a road traffic accident which had taken place on 25.02.2022, a claim petition came to be preferred before the Motor Accidents Claim Tribunal (MACT), Poonch on file No. 79/Claim of 2024.

2. In the said claim petition, five persons came forwarded as claimants and they being Mst. Kapor Begum as being grandmother, Mohd. Azam as being father, Mst. Naz Begum as being mother and

Raza Alahi and Rehan Azam as being the brothers of the deceased- Abrar Azam.

3. The claim petition came to be settled in a Lok Adalat proceedings held on 14.12.2024 at Poonch which resulted in settlement of the claim petition on payment of Rs. 11,00,000/- which was agreed to be payable by the insurer of the offending vehicle and that being Iffco Tokio General Insurance Company Limited, along with interest @ 6.5% per annum from the date of passing of the Lok Adalat award dated 14.12.2024.

4. The offending vehicle's insurer-Iffco Tokio General Insurance Company Limited is said to have deposited the entire Lok Adalat awarded compensation amount of Rs. 11,00,000/- along with interest whatsoever accrued thereupon with the Motor Accidents Claim Tribunal (MACT), Poonch for seeking release of which the claimants had preferred an application which rendered itself in a difficulty before the Motor Accidents Claim Tribunal (MACT), Poonch as to how the minor brother of the deceased-Abrar Azam is to be paid the compensation out of Rs. 11,00,000/- so awarded.

5. It is with this situation that the petitioners have come forward with the present petition under article 227 of the Constitution of India wherein this Court, in terms of an order dated 04.06.2025, solicited a report from the Motor Accidents Claim Tribunal (MACT), Poonch which has come forward vide No. 41/P.O.MACT dated 24.06.2025.

6. Given the fact that the parents are the best judge of welfare and well being of their children, as such, this Court deems it appropriate to let the compensation amount of Rs. 11,00,000/- along with its interest be paid in an apportionment by release in favour of the father and mother of the deceased-Abrar Azam and they being the claimants No. 2 & 3 in the claim petition.

7. This Court trusts that the claimants No. 2 & 3, who are the petitioners No. 2 & 3 in this petition, would act with discretion at their respective end to ensure that the compensation awarded with respect to the death of Abrar Azam is also appropriated for the welfare of his two brothers i.e., respondents No. 4 & 5, namely, Raza Alahi and Rehan Azam.

8. This petition is, accordingly, disposed of in the light of the direction hereby given for the Motor Accidents Claim Tribunal (MACT), Poonch to carry in compliance by releasing the entire compensation amount in equal share in favour of the claimants-Mohd. Azam and Mst. Naz Begum through their bank account transfer.

9. Disposed of.

(RAHUL BHARTI)
JUDGE

JAMMU
30.06.2025
Shivalee

Whether the order is speaking:	Yes/ No
Whether the order is reportable:	Yes/No