

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

**CM No. 7431/2025 in
Mac App. No. 180/2024**

Rohit Rokaya & Ors.

.....Applicants/Appellants

Through: Mr. Madan Lal, Advocate

Vs

United India Insurance Co. Ltd.

.....Non-applicant/Respondent

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(24.11.2025)

01. The Insurer-United India Insurance Company Limited came forward with a **Mac Appeal No. 180/2024** assailing the award passed on a claim petition No. **81/C of 2019** whereby the death related compensation was granted in favour of the three claimants who are respondents No. 1 to 3 herein.

02. A motor vehicle accident had taken place on **08.09.2018** on National Highway-1, Nagrota Bye Pass, Jammu, in which the respondent No. 1 herein, namely, Rohit Rokaya along with his wife were standing on their own side of the roadside were hit by a Polo Car bearing registration No. **DL3CBW-0609** coming from Udhampur side towards Sidhra, which had resulted in death of respondent's wife

whereas causing grievous injuries to the respondent No. 1- Rohit Rokaya.

03. Claim petition No. 81/C came to be preferred by respondents No. 1 to 3 on account of death of Janu-wife of respondent No. 1-Rohit Rokaya and mother of respondent No. 2-Asham Rokaya and respondent No. 3-Ayasha Rokaya, who at that relevant point of time were five and six months old respectively.

04. Claim petition No. 86/C was preferred by respondent No. 1-herein, namely, Rohit Rokaya on account of personal injury suffered by him. The Motor Accident Claims Tribunal-(MACT), Jammu by virtue of its common award **dated 27.06.2024** came to grant compensation of an amount of **Rs. 3,27,750/-** along with interest in favour of respondent No. 1 whereas in **claim petition No. 81/C** a compensation of an amount of **Rs. 21,96,000/-** along with interest came to be granted in favour of the respondents No. 1 to 3/Claimants No. 1 to 3 in **claim petition No. 81/C**.

05. During the pendency of the **Mac Appeal No. 180/2024**, the matter came to be amicably settled in a National Lok Adalat organized by the High Court Legal Services Committee under section 19 of the Legal Services Authorities Act, 1987, whereby on lump sum payment of

Rs. 24,00,000/-, the disposal of the two claim petitions was meant to be governed.

- 06.** At the time of filing of said Mac Appeal, this Court in terms of an order dated **28.10.2024** had directed deposit of the entire awarded amount along with updated interest with the Registrar Judicial of this Court.
- 07.** Accordingly, an amount of **Rs. 30,24,130/-** came to be deposited with the Registrar Judicial of this Court vide register No. 1734 dated **24.10.2024** and register No. 1785 dated **13.12.2024**. The disbursement of the compensation as settled by the Lok Adalat for an amount of **Rs. 24,00,000/-** came to take place in the manner as per the apportionment settled by the Motor Accident Claims Tribunal-(MACT), Jammu which resulted in the share of the two minor children getting fixed deposits for an amount of **Rs. 8,40,000/-** each whereas the share of compensation payable in favour of respondent No. 1-Rohit Rokaya for an amount of **Rs. 3,60,000/-** came to be put in fixed deposit to the extent of 50% and other 50% stood released in his favour. The 50% fixed deposit relatable to the respondent No. 1-Rohit Rokaya is an amount of **Rs. 3,60,000/-** in fixed deposit No. **027750** dated **17.09.2025** in the name of respondent No. 1-Rohit Rokaya.

- 08.** The respondent No. 1-Rohit Rokaya has now come forward with an application **CM No. 7431/2025** for seeking release of his fixed deposit amount of **Rs. 3,60,000/-**.
- 09.** The fixed deposit came to take place as per the mandate of the Motor Accident Claims Tribunal-(MACT), Jammu whereas the Lok Adalat award did not reserve any such mode of apportionment relatable to the respondent No. 1-Rohit Rokaya, as such, he was entitled all alone to receive his share of compensation in full without reserving 50 % in fixed deposit.
- 10.** The application **CM No. 7431/2025** is thus, allowed. The fixed deposit amount of **Rs. 3,60,000/-** along with accrued interest thereupon is directed to be released in favour of the applicant/respondent No.1-Rohit Rokaya through bank account transfer mode for which the applicant/respondent No. 1-Rohit Rokaya to provide bank account number to the learned Registrar Judicial, Jammu whereupon the money to be transferred to said bank account number of applicant/respondent No. 1.
- 11.** The application **CM No. 7431/2025** is accordingly, ***disposed of.***

(RAHUL BHARTI)
JUDGE

JAMMU
24.11.2025
SUNIL