

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Mac App 55/2019 CM(3976/2019)

Date of announcement 04-03-2026

Uploaded on 09-03-2026

IMTIYAZ AHMAD BHAT

...Petitioner/Appellant(s)

Through: Mr. Rizwan ul Zaman, Advocate.

Vs.

UNION OF INDIA AND ORS

...Respondent(s)

Through: Mr. O. Sodi, Advocate.

Mr. Manzoor Ahmad, Advocate.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

04.03.2026

ORAL

1. In the instant appeal, the appellant herein claims to be driver of vehicle bearing registration No. JK01M-9543 (for short "**the offending vehicle**") and owned by respondent 3 herein was alleged to have been involved in a vehicular accident on 03-09-2009 at Lethpora area opposite CrPF Headquarters, resulting into damage to the vehicle to the vehicle being Mahindra Jeep bearing registration No. DLIV-5534 of OC-A/112 Bn of the CrPF, whereupon a claim petition came to be filed by the said Bn of CrPF through Union of India for the damage before MACT Pulwama from the driver of the offending vehicle without impleading either the insurance company-respondent 2 herein or else the owner of the offending vehicle being respondent 3 herein as party respondents. The said compensation was sought in a claim petition filed under in terms of the provisions of Motor Vehicles Act, 1988 on 07-05-2016, which claim petition came to be

disposed of on 14-07-2018 and in terms of an award, the driver of the offending vehicle being appellant herein was held liable to pay an amount of Rs. 422082/- as damages to the claimant-respondent 1 herein along with 6% interest, aggrieved whereof, the petitioner herein maintained the instant appeal against the said award primarily on the grounds that the offending vehicle was insured with the respondent 2-Insurance Company on the date of accident and that neither the owner of the vehicle nor the said Insurance Company were impleaded as a party respondent in the claim petition and that any compensation if at all payable to the claimant respondent 1 was thus to be payable by the Insurance Company-respondent 2 or else the owner of the offending vehicle-respondent 3 herein.

Heard counsel for the parties and perused the record.

2. Perusal of the record admittedly reveals that in the claim petition filed before the tribunal, the claimant-respondent 1 herein did not implead either the owner or the insurance company as party respondent therein the claim petition, but only impleaded the driver of the said vehicle being the appellant herein and though the driver-petitioner herein contested the claim petition and a counsel represented him before the tribunal, yet it is alleged in the instant appeal that the petitioner herein never engaged any counsel or else contested the claim petition.
3. Perusal of the record of the proceedings in the instant appeal would reveal that on 28-08-2025, when the appeal came up for consideration before this Court, the Insurance Company-respondent 2 as well as the owner of the offending vehicle-respondent 3 came to be impleaded as party respondents in the instant appeal.

4. Having regard to the grounds urged in memo of appeal, the record available on the file inasmuch as the impugned award passed by the tribunal, it is deemed appropriate to set aside the impugned award and to remand the case back to the tribunal for adjudication afresh without prejudice to their respective stands they may take before the tribunal.
5. Accordingly, the instant appeal is ***disposed of*** and the impugned award is ***set aside*** with the direction to the tribunal to re-adjudicate upon the claim petition afresh in accordance with law.
6. Mr. Sodhi, appearing counsel for the claimant-respondent 1, at this stage states that the claimant is presently posted outside the UT of Jammu and Kashmir and, as such, may not be able to appear in the claim petition as witnesses personally. In this view of the matter, the tribunal shall consider the request of the claimants for conducting of the case through virtual mode, if so sought by the claimant.
7. Further the statutory deposit claimed to have been made by the appellant herein before this Court is directed to be returned back by the Registry, along with interest, if any, to the appellant upon proper identification.
8. The scanned record of the tribunal be retained by the Registry on the instant file.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR
04.03.2026
Sarvar