

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Mac App. No. 76/2020

CM No. 6223/2025

Amiruddin Shah (Dead) through LR

...Appellant/Petitioner(s)

- (i) **Waseem Ahmad Shah S/o Amiruddin Shah, Aged 50 years**
- (ii) **Naseer Ahmad Shah S/o Amiruddin Shah, Aged 45 years**
- (iii) **Saqib Ahmad Shah S/o Amiruddin Shah, Aged 42 years**
- (iv) **Asima D/o Amiruddin Shah, Aged 35 years**
- (v) **Atiqa Begum Wd/o Amiruddin Shah, Aged 75 years**

Through: **Mr. N. H. Shah, Sr. Advocate with
Ms. Saima Ghulam, Advocate**

Vs.

1. **Tazeema Begum W/o Mohammad Iqbal Mir.** ...Respondent(s)
2. **Habsa Iqbal D/o Mohammad Iqbal Mir through her mother R/o G-2 Police Housing Colony Bemina Srinagar.**
3. **Syed Aiqub Hussain S/o Syed Jawaid Hussain R/o Gingal Uri Baramulla Kashmir (Driver of O/V (Scorpio) bearing No. JK05-B/3982).**
4. **Bajaj Allianz General Ins. Co. Ltd. through its Divisional Manager Divisional Office 3rd Floor Lake City Plaza Kara Nagar Srinagar.**
5. **Mohammad Nadeem Sheikh S/o Bashir Ahmad Sheikh R/o Deevan Bagh, Baramulla, Kashmir (Prosp. Owner of O/V (Scorpio) bearing No. JK05-B/3982.**

Through: **Mr. Imtiyaz Ahmad, Advocate for R-4**

CORAM:

HON'BLE MR JUSTICE M. A. CHOWDHARY, JUDGE

ORDER

04.05.2026

CM No. 6223/2025:

01. This application has been moved by the applicants namely, (i) Waseem Ahmad Shah (Son), (ii) Naseer Ahmad Shah (Son), (iii) Saqib Ahmad Shah (Son), (iv) Asima (Daughter) and (v) Atiqa

Begum (Widow), for bringing on record as legal heirs of the deceased appellant-Amiruddin Shah, in Mac App. No. 76/2020, filed under Section 173 of the Motor Vehicles Act.

02. It is asserted in the application that the appellant-Amiruddin Shah, has died during the pendency of the appeal, leaving behind the aforementioned legal heirs.
03. The application is supported by an affidavit duly sworn by the applicant-Asima, daughter of the deceased appellant.
04. Learned counsel for the non-applicant/respondent No.4-Bajaj Allianz General Insurance Company, has not objected to this application.
05. This application is, thus, allowed and the legal representatives as detailed in the application are brought on record as legal heirs of the deceased appellant.
06. CM No. 6223/2025 is **disposed of**.

Mac App. No. 76/2020:

07. The appellant preferred the present appeal against the Award dated 28.02.2020 passed by the Motor Accident Claims Tribunal, Srinagar, in MACP No. 694/2018 titled "*Tazeema Begum and Anr. vs. Amiruddin Shah and Ors.*", whereby the compensation to the tune of Rs.33,29,480/- (minus any interim compensation, if already paid), along with interest at the rate of 7.5% per annum from the date of presentation of the claim petition till its final realization, was awarded in favour of the claimants. The Award amount was directed to be paid by the respondent No.4-Bajaj Allianz General Insurance Company, with liberty to recover the same from the appellant herein as the owner of the offending vehicle.

08. During the pendency of the appeal, the case was referred for mediation, and a report dated 13.04.2026 formulated by Mr. Javid Alam, learned Mediator has been filed with the statement “**that the Respondent-Insurance Company voluntarily waives and relinquishes the recovery rights granted by the Motor Accident Claims Tribunal, Srinagar, and has no objection if the present appeal is disposed of accordingly**”. As such, the learned Mediator has concluded the mediation proceedings as successful and submitted the report before this court.
09. Learned counsel for the appellant and the contesting respondent No. 4- Bajaj Allianz General Insurance Company, have jointly submitted before this Court that the contesting parties have settled the matter, and the Respondent No.4-Insurance Company has waived its right of recovery of the awarded amount payable to the claimants from the appellant herein, as owner of the offending vehicle.
10. In the aforesaid backdrop, nothing remains to be adjudicated by this Court in this appeal. Accordingly, this appeal is disposed of as having been settled by the contesting parties through the process of mediation, whereby the Respondent No.4-Bajaj Allianz Insurance Company has waived of its recovery right from the appellant herein.
11. The appeal along with all connected CM(s), stands **disposed of**.
12. The Registry is directed to return the Trial Court Record along with a copy of this order, for information and record.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
04.05.2026