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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 357/2026**

JAMSHED ALAM

.....Petitioner

Through: Mr. Anshuman Bal, Advocate.

versus

TATA AIG GENERAL INSURANCE CO LTD & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **23.02.2026**

CM. APPL No. 9818/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

CM(M) 357/2026

1. This petition has been filed seeking assailing the order dated 22nd January 2025 in *Misc. DJ No. 1431/2025* titled as “*Jamshed Alam v. Ankit Aggarwal*” passed by the Motor Accidents Claims Tribunal [‘*Tribunal*’], North Rohini Courts, Delhi.
2. A claim petition [*MACT No.209/20*] was filed by *Jamshed Alam*, husband of the deceased, *Shain Parveen*, along with three children, namely *Rukshar*, *Rukshana* and *Sameer*, in November, 2020.
3. On 21st August, 2022, the matter was settled in the *National Lok*



Adalat, and compensation of Rs. 32,00,000/- was agreed to be awarded in favour of petitioners, the apportionment being 50% to *Jamshed Alam*, 20% to *Rukshar*, 15% to *Rukshana* and another 15% to *Mohd. Sameer*, as informed by *Mr. Anshuman Bal*, counsel for petitioner.

4. *Rukshar* has since passed away on 14th January 2024. An application seeking release of the 20% of the compensation awarded to *Late Rukshar*, moved by the father *Jamshed Alam*, was disposed of by the impugned order directing that the amount lying in the name of *Rukshar* be distributed to other two children, namely, *Rukshana* and *Mohd. Sameer*, in equal proportion.

5. Though, the submission of counsel for petitioner/*Jamshed Alam*, was recorded that *Jamshed Alam* had 'no objection' to such distribution of the share of *Late Rukshar*, *Mr. Anshuman Bal*, counsel for petitioner, on instructions, states that petitioner/*Jamshed Alam*, was not present before the Tribunal and certain submissions were made by counsel without any instructions.

6. He further states that the *father* is the only legal heir apart from the other two siblings of *Late Rukshar* and that he was taking care of all the three children and continues to take care of *Rukshana* and *Mohd. Sameer*.

7. He has further submitted that petitioner/*Jamshed Alam*, had taken a loan of Rs. 3,00,000/- from relatives and friends for the treatment of his daughter *Late Rukshar* and that has to repay the lenders; therefore, in any event, he is in dire need of money.

8. Aside from the above, being the guardian of the two surviving children, he also must take care of their education and well being.



9. In these circumstances, this Court does not find any impediment in ordering the release of the 20% compensation, along with accrued interest, deposited *qua Late Rukshar* to petitioner/*Jamshed Alam* in the following manner:

- i. An amount of Rs. 4 lacs, shall be released in favour of *Jamshed Alam*.
 - ii. The balance amount, shall be equally distributed in the accounts of *Mohd. Sameer* and *Rukshana*.
10. This is to ensure that the money provided for the upkeep of the children is not dissipated without any reason.
11. Petition is accordingly disposed of. Pending applications (if any) are also rendered infructuous.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 23, 2026/RK/tk