

S. No. 02
Before Notice Matters

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) No. 245/2022
CM No. 5940/2022
.....Petitioner(s)

Mohammad Maqbool Shah

Through: Mr. Bhat Fayaz, Adv.

V/s

Farooq Ahmad Ahanger

..... Respondent(s)

Through:

CORAM:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

31.10.2022

1. This is a petition under Section 227 of the Constitution of India filed by the petitioner seeking a direction upon the Presiding Officer MACT, Srinagar to accept the amount transferred by court of Judicial Magistrate 1st Class Tangmarg in terms of order dated 20.07.2022 and to release the claim amount in favour of the claimant/respondent herein.
2. It appears that when the vehicle belonging to the petitioner suffered an accident, the same was released by the learned Judicial Magistrate 1st Class, Tangmarg on 14.08.2021 subject to the condition of deposition of Rs. 3.00 lacs in cash or furnishing of bank guarantee. Pursuant to aforesaid order, the amount seems to have been deposited by the petitioner before the Judicial Magistrate, which was kept in fixed deposit. As per the order of the Judicial Magistrate, the said amount was to be deposited with the concerned Claims Tribunal. Record further shows that the claim petition filed by the respondent against the petitioner has been

settled before the Lok Adalat on 25.06.2022 and a sum of Rs. 2.00 lacs has been awarded in favour of the respondent. In terms of order dated 20.07.2022, the learned Magistrate has directed that the amount deposited with the said court to be transferred to the account of MACT Srinagar for satisfaction of the claim.

3. Learned counsel for the petitioner has submitted that the Presiding Officer of the MACT Srinagar is not releasing the amount in favour of the claimant/respondent and he has not accepted the amount that has been transferred into the account of said Tribunal.
4. Having regard to the limited nature of the controversy involved in this case, the same can be disposed of by passing an appropriate direction to Presiding Officer of MACT, Srinagar.
5. Accordingly the Presiding Officer of the MACT, Srinagar is directed to accept the amount that has been transferred to it by the Judicial Magistrate 1st Class, Tangmarg and thereafter release the claim amount in favour of the rightful claimant. After satisfaction of the claim, if any, balance amount remains, the same shall be released in favour of the petitioner.
6. Disposed of as above.
7. Copy of this order be sent to the MACT Srinagar.

(Sanjay Dhar)
Judge

SRINAGAR

31.10.2022

"Aasif"