

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

Case:- MA No. 462/2012

**National Insurance Co. Ltd. through its Dy.  
Manager, TP-Hub, Shalimar Building,  
Shalimar Road, Jammu.**

.....Appellant(s)

Through: Mr. Baldev Singh, Advocate.

**Vs**

- 1. Irshad Ahmad Wani son of  
Mohd. Afzal Wani resident  
of Alinbass, Tehsil Banihal.**
- 2. Arshad Ahmad Wani son of  
Shamas-ul-Din Wani  
resident of Alinbass, tehsil  
Banihal (Owner of offending  
vehicle).**
- 3. Shabir Ahmad Wani son of  
Mohd. Afzal Wani resident  
of Alinbass, Tehsil Banihal  
(Driver of offending vehicle)**

..... Respondent(s)

Through: Mr. Irfaan Khan, Advocate for R-1.

**Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

**ORDER  
(30.04.2024)**

1. This is an appeal under section 173 of the Motor Vehicles Act, 1988 by the appellant i.e., National Insurance Co. Ltd against an award dated 04.07.2012 passed by the Motor Accident Claims Tribunal, Ramban on file No. 53/2011 titled **“Irshad Ahmad Wani Vs. National Insurance Company and ors”** along with file No. 54/2011 titled **“Bilal Ahmad Wani Vs. National Insurance Company and ors”** thereby granting compensation of an amount of Rs. 45,200/- in

favour of the respondent No. 1/claimant-Irshad Ahmad Wani on claim file No. 53/2011. The compensation has been granted under **“No fault liability”** provision under section 140 of the Motor Vehicles Act, 1988 and the claim petition was even disposed of.

2. The offending vehicle was owned by the respondent No. 2-Arshad Ahmad Wani and was driven by the respondent No. 3-Shabir Ahmad Wani.
3. The respondent No. 1/claimant, namely, Irshad Ahmad Wani was travelling in the said vehicle when it met with an accident on 10.09.2010 at Nachalana on NHIA while on way from Banihal to Alinbass. The respondent No. 1/claimant suffered injuries on account of the said accident.
4. Section 140 of the Motor Vehicles Act was rightly applied by the Motor Accident Claims Tribunal (MACT), Ramban to award the compensation in favour of the respondent No. 1/claimant and, therefore, this Court sees no illegality or perversity in the award dated 04.07.2012 and accordingly rejects the appeal of the appellant by maintaining the award as it is.
5. In case the award amount is deposited by the appellant with this Court, then the same be released in favour of the respondent No. 1/claimant, namely, Irshad Ahmad Wani

upon an application to be filed for the said purpose before the Registrar Judicial, Jammu through counsel and accordingly upon identification of the respondent No. 1/claimant through his counsel, deposited awarded amount along with interest to be released in favour of the respondent No. 1/claimant.

6. Disposed of accordingly.

**(RAHUL BHARTI)**  
**JUDGE**

**JAMMU**  
**30.04.2024**  
**Naresh/Secy**

