

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

**CM No. 2420/2026 in
CCROS No. 15/2012**

Darshana Devi & Ors.

.....Applicants

Through: Mr. Jatinder Choudhary, Advocate

Vs

Bajaj Allianz General Insurance Company Limited

.....Non-applicant/Respondent

Through:

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
ORDER
(08.05.2026)

CM No. 2420/2026

- 01.** The Motor Accident Claims Tribunal, (MACT), Jammu in a claim petition on file **No. 385/Claim** of **02.12.2008** preferred by the claimants, namely, Darshana Devi, Palvi Devi and Mansi Devi came to award a compensation of an amount of **Rs. 5,45,000/-** along with interest @ **7.5 %** from the date of filing of the claim petition which being **02.12.2008** till the actual realization. The disbursement of the compensation was to take place in the manner as set out in the award dated **18.01.2012**.
- 02.** Against said award, the Insurer-M/s Bajaj Allianz General Insurance Company Limited of the offending

vehicle came forward with an appeal under **Section 173 of Motor Vehicles Act, 1988** which was registered as an appeal **MA No. 172/2012**.

- 03.** From the end of the claimants, Cross Objections came to be preferred as **CCROS No. 15/2012**.
- 04.** This Court, by virtue of its judgment dated **11.09.2025**, dismissed said **MA No. 172/2012** but enhanced the compensation in favour of the claimants by reference to their Cross Objections **CCROS No. 15/2012**.
- 05.** Thus, the original compensation amount of **Rs. 5,45,000/-** came to be enhanced to **Rs. 11,74,000/-** with the rest of the terms and conditions retained as it is including rate of interest **7.5 %** from the date of filing of the claim petition till the realization of awarded amount.
- 06.** At the time of filing of **MA No. 172/2012**, this Court had directed the appellant-M/s Bajal Allianz General Insurance Company Limited to deposit awarded compensation amount of the Motor Accident Claims Tribunal, Jammu along with updated interest with this Court which was to be kept in fixed deposit so as to ensure recurring earning of the interest thereupon. Said amount had come to be deposited accordingly.

07. In view of enhancement of compensation from **Rs. 5,45,000/-** which had come to be deposited along with updated interest, the enhanced component was also meant to be deposited by the appellant-M/s Bajaj Allianz General Insurance Company Limited along with the accrued interest thereupon.
08. The calculation of the interest payable was to be on the entire amount right from the date of the filing of the claim petition. The appellant-M/s Bajaj Allianz General Insurance Company Limited is said to have deposited the amount of **Rs. 12,70,577/-** instead of depositing total amount of **Rs. 14,30,975/-** and thus, there is a deficit of an amount of **Rs. 1,60,398/-** for recovery of which the applicants/claimants have come forward with an application **CM No. 2420/2026**.
09. The claimants are said to have made withdrawal of enhanced compensation amount in the manner as it was meant to be in terms of the award of the Motor Accident Claims Tribunal, Jammu dated **18.01.2012** leaving only the issue of recovery of deficit amount of **Rs. 1,60,398/-**.
10. Issue notice to **Sardar Baldev Singh**, learned Advocate for the non-applicant-M/s Bajaj Allianz General

Insurance Company Limited for his appearance in the matter to accord disposal to the application.

- 11.** The learned Registrar Judicial, Jammu to issue notice to Mr. Baldev Singh, learned Advocate.
- 12.** List on **08.07.2026**.

**(RAHUL BHARTI)
JUDGE**

**JAMMU
08.05.2026
SUNIL**

