

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR**

CM No. 7778/2025 in
Mac App No. 23/2025

Javid Ahmad Ahanger

..... Appellant/petitioner(s)

Through: -
None

V/S

Bajaj Allianz General Insurance Company Limited and Ors.

..... Respondent(s)

Through: -
Mr. N. A. Dendru, Advocate

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

15.07.2026

01. This matter, on mention, is taken out of turn.
02. By way of the present application, applicant/respondent No. 1 seeks disposal of the instant appeal on the ground that respondent No. 1, has decided to waive its recovery right, as granted by the learned Motor Accident Claims Tribunal, Srinagar, in claim petition titled *Mohd. Hussain Baba and Another v. Javaid Ahmad Ahanger and Another*, against the appellant herein.
03. Learned counsel appearing for respondent No. 1 submits that, in terms of the award dated 30.11.2021, passed by the learned Motor Accident Claims Tribunal, Srinagar, in MACP No. 280/2018, titled *Mohd. Hussain Baba and Another v. Javaid Ahmad Ahanger and Another*, respondent No. 1 was granted the right to recover the award amount from the appellant, being the owner of the offending vehicle. It is

submitted that respondent No. 1, by way of an affidavit, has voluntarily waived off its said right of recovery.

04. Learned counsel further submits that Bajaj Allianz General Insurance Company Limited has already deposited the awarded amount of Rs. 12,59,600/-, together with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization, before the learned Tribunal for disbursement in favour of the claimants. It has also been undertaken by respondent No. 1 that no execution proceedings against the appellant for recovery of the said amount in terms of the award dated 30.11.2021 would be preferred by respondent No. 1 against the appellant herein.
05. In view of the aforesaid statement made by learned counsel for respondent No. 1, duly supported by an affidavit placed on record, and the undertaking furnished on behalf of respondent No. 1, the present appeal is **disposed of**, accordingly. Respondent No. 1 shall be bound by the terms of the statement and undertaking made before this Court and shall not seek to enforce the right of recovery against the appellant arising out of the award dated 30.11.2021 passed in MACP No. 280/2018. The award shall be satisfied by respondent No. 1 in accordance with law.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
15.07.2026
"Mohammad Yasin Dar"