

Court No. - 20

Case :- FIRST APPEAL FROM ORDER No. - 133 of 1993

Appellant :- The New India Assurance Company

Respondent :- Smt.Damyanti Pandey And Ors

Counsel for Appellant :- M.S.Kotwal, Waquar Hashim

Counsel for Respondent :- D C Vidyarthi, Shailesh Kumar

Hon'ble Manjive Shukla, J.

1. Heard Sri Waquar Hashim, learned counsel for the appellant. No one has appeared on behalf of the claimant-respondent.

2. The present appeal was filed against the award dated 5.9.1992 passed by the Motor Accident Claims Tribunal, Lucknow in R.S. No.89 of 1982 whereby the appellant was directed to pay Rs.50,000/- as compensation to the claimant-respondent(s).

3. From perusal of the record, it appears that this appeal was admitted on 16.1.1995 and at the time of filing this appeal, Rs.25,000/- was also deposited by the appellant. However, during pendency of this appeal, an amendment has been made in the Motor Vehicle Act, 1988 by the Amending Act No. 32 of 2019 by which it has been provided that no appeal shall lie if the amount in dispute is less than Rs.1 Lakh, which was earlier Rs. 10,000/-.

4. This Court is of the view that as the Motor Vehicle Act is a beneficial legislation and before the appeal could be heard, an amendment has been made in Section 173 of Motor Vehicle Act, prohibiting the maintainability of any appeal against the award of the Claims Tribunal if the amount in dispute is less than Rs. 1 Lakh. In the present case, the amount in dispute is Rs.50,000/-, therefore, in view of the amendment made in Section 173(2) of the Act, this appeal is not maintainable.

5. The appeal is, accordingly, dismissed.

6. It is provided that the statutory amount of Rs.25,000/-, deposited along with this appeal by the appellant, shall be remitted to the Claim Tribunal and the same shall be released in favour of the claimant(s) without any security.

Order Date :- 15.3.2024

Salim