



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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FAO-5137-2025 (O&M)
Date of decision: 27.07.2026

Rattan Singh

...Appellant

Versus

The Reliance General Insurance Company and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rishav Jain, Advocate and
Mr. Varun Jain, Advocate for the appellant.

VIKAS SURI, J. (Oral)

1. This appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'MV Act'), assailing the award dated 22.10.2011, passed by the learned Motor Accidents Claims Tribunal, Palwal, whereby the respondent-claimant has been entitled to an amount of Rs.67,000/- as compensation on account of injuries sustained by him in the said accident along with interest @ 7% per annum from the date of institution of the claim petition till its realization. The appellant has also filed an application (CM-17152-CII-2025) under Section 5 of the Limitation Act for condonation of delay of 13 years and 217 days in filing the appeal. Another application has been filed along with the present appeal seeking exemption from depositing Rs.25,000/- in terms of the proviso to Section 173 of the MV Act. The applicant-appellant has also filed an application under Order 41 Rule 27 CPC for leading additional evidence, besides an application under Order 41 Rule 5 CPC



seeking stay of operation and implementation of the impugned award.

2. Section 173 of the MV Act reads thus:

“173. Appeals. —(1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court:

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court, unless he has deposited with it twenty-five thousand rupees or fifty per cent. of the amount so awarded, whichever is less, in the manner directed by the High Court:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than [one lakh] rupees.”

3. On a query of the Court regarding maintainability of the present appeal and of the application seeking exemption from making statutory deposit in terms of proviso to Section 173 of the MV Act, learned counsel for the applicant-appellant has not advanced any submissions. On the contrary, he submits that appropriate orders may be passed keeping in view the statutory provisions and the facts of the present case.

4. A perusal of Section 173(2) of the MV Act leaves no room for doubt that an appeal against the award passed by a Claims Tribunal is



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maintainable only where the amount in dispute is more than one lakh rupees. It is pertinent to note that the amount as specified in the aforesaid sub-section, substituted the words “ten thousand”, vide the Motor Vehicles (Amendment) Act, 2019 (Act No.32 of 2019) w.e.f. 01.09.2019. The present appeal has been instituted in the year 2025, though barred by limitation by 13 years and 217 days as per the own showing of the applicant-appellant, would thus be governed by the amended provisions.

5. In view of the aforesaid, the present appeal would not be maintainable. It is well settled that an appeal is a creation of the statute and is to be construed strictly.

6. It would also be useful to notice that even otherwise had the amount in dispute in the appeal been more than one lakh rupees, the proviso to Section 173(1) of the MV Act would still be applicable and no application seeking exemption of a statutory provision would be maintainable.

7. Therefore, the application in that regard (CM-17153-CII-2025) is not maintainable.

8. A Division Bench of this Court in ***Sohan Singh vs. Kushla Devi and others***, reported in **1996(2) PLR 263**, held as under:

“3. x x x x

A careful reading of the above quoted provision shows that sub-section (1) of Section 173 gives a right of appeal to any pers on aggrieved by an award of the Claims Tribunal. The period of limitation for filing



such appeal is 90 days from the date of award. Second proviso to Section 173(1) empowers the High Court to entertain the appeal after the expiry of the period of 90 days in case the High Court is satisfied that the appellant was prevented by sufficient cause from preferring an appeal in time. First proviso to Section 173(1) refers to an appeal by a person who is required to pay any amount in terms of the award. It lays down that no appeal by a person who is required to pay any amount in terms of the award shall be entertained by the High Court unless such person deposits with the High Court Rs. 25,000/- or 50 per cent of the amount so awarded by the Tribunal, whichever is less. The deposit is required to be made in the manner directed by the High Court. The significant difference between the language used in sub-section (1) of Section 173 and the first proviso is that whereas the expression "any person aggrieved by the award" has been used in the main sub-section, the proviso uses the expression "by the person who is required to pay any amount in terms of such award." This clearly means that the appeal can be filed by a person who may be aggrieved by the award but who may not be required to pay any amount in terms of the award. Ordinarily an appeal by the claimant will be covered by this category. However, the Legislature has thought it proper to impose a restriction to the entertainability of the appeal by the High Court by a person who is required to pay any amount in terms of the award appealed against by requiring deposit of Rs. 25,000/- or 50 per cent of the amount awarded by the Tribunal, whichever is less. The Legislature must be deemed to be fully cognizant of the fact that the award can be against one party or more than one party and such parties may be



jointly or severally made liable to satisfy the award. Keeping in view these situations, the Legislature has incorporated the requirement of the deposit by a person who wants to prefer an appeal against the award and who is required to pay any amount in terms of the award. If the Legislature intended that out of several respondents before the Tribunal, deposit of amount only by one should be sufficient to enable the filing of the appeal by more than one person who may be aggrieved by the award, then, the proviso would have altogether been differently worded and we do not find any reason to interpret the proviso in a manner which would lead to re-writing of the same.

4. *The object behind incorporating the proviso to Section 173(1) of the Act is remedial and beneficial. The requirement of the deposit of the amount as a condition precedent to the entertainability of the appeal protects the interest of the claimant in whose favour an award has been made. By making it obligatory to deposit the amount specified in the proviso to Section 173(1), it has been made clear by the Legislature that one who wants to challenge the award of compensation must part with a specific amount which can in appropriate cases may be made available to the claimants even before final adjudication of the appeal. Keeping in view the object behind the legislative intent, we do not find any reason not to accept the plain language used in the proviso and apply different principles of interpretation which may lead to re-writing of the statute.*

5. x x x x

Applying the above referred rule of interpretation, we are clearly of the opinion that on a plain reading of the proviso to Section 173(1), any person who is required



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to pay any amount under an award passed by the Claims Tribunal, prefers an appeal, his appeal can be entertained by the High Court only if he makes deposit of a specific amount as required by the said proviso and he cannot claim exemption from making the deposit on the ground that a co-respondent before the Tribunal has filed an appeal and has made the requisite deposit. It is a different thing that the High Court will not order the disbursement of the entire amount deposited by different parties under the proviso to Section 173(1)."

9. The aforesaid view was reiterated by another Division Bench of this Court in ***Baldev Singh etc. vs. Kamaljit Kaur etc.***, reported in **2004(3) PLR 255**.

10. In view of the settled law and aforesaid discussion, the present appeal raising challenge to the award dated 22.10.2011, passed by the learned Motor Accidents Claims Tribunal, Palwal, is not maintainable, as such.

11. Resultantly, the instant appeal is dismissed.

July 27, 2026
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No