

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

229

FAO No.4336 of 2016 (O&M)

Date of decision: 12.07.2018

VINOD KUMAR

... Appellant

Versus

FUTURE GENERAL INDIA INSURANCE COMPANY LTD AND ORS

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Sumit Gupta, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 01.11.2013 passed by the Motor Accidents Claims Tribunal, Rewari whereby compensation has been awarded on account of injuries sustained by Inder Singh in a motor vehicular accident that took place on 12.05.2010.

The Tribunal has awarded compensation of Rs.7,29,428/- but the claimant is held entitled to 50% of the amount to be paid by the driver and owner (appellant herein) of truck No.HR-63-A/8251 while the insurance company has been exonerated of liability to pay compensation. Along with the appeal, an application under Section 173 of the Motor Vehicles Act, 1988 (in short 'the Act') seeking exemption from deposit of statutory amount of Rs.25,000/- has been filed on the plea that the appellant is a poor person and he is not able to deposit the amount in compliance with Section 173 of the Act.

Counsel for the applicant-appellant would submit that the applicant-appellant is a poor person and he is suffering from kidney problem, therefore, he is not in a position to deposit the statutory amount.

The very fact that the insured/owner of the offending vehicle is seeking exemption from deposit of statutory amount of Rs.25,000/- goes to show that till date, no compensation has been paid to the claimant. Section 173 of the Act does not create any exception qua deposit of statutory amount. This apart, as liability to pay compensation has been fastened against driver and owner of the offending vehicle, there is no question of exempting the applicant-appellant from depositing the statutory amount and calling upon the injured victim to respond to the appeal. That being so, application seeking exemption from deposit of statutory amount is liable to be dismissed and ordered accordingly. As the applicant-appellant is not willing to deposit the statutory amount, the appeal is dismissed being not maintainable. In view of the above, applications for condonation of delay in filing and refiling the appeal are of academic relevance only.

12.07.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No