

HIGH COURT OF CHHATTISGARH, BILASPUR**MAC No. 1738 of 2019**

- Devendra Deshmukh S/o Kamlakar Deshmukh, Ward No. 26, Deshmukh Bada, Station Road, Near Rajendra Park, Tehsil And District Durg Chhattisgarh, (Owner) **---- Appellant**

Versus

1. Smt. Yogita Deshmukh W/o Late Ghanshyam Deshmukh Aged About 40 Years R/o Near Dubey Bada, Sikaola Basti, Durg District Durg Chhattisgarh Parmanent Address Village Chandna, Tehsil Rajim, District Raipur Chhattisgarh.....Claimants, District : Raipur, Chhattisgarh
2. Ku. Prerna Deshmukh D/o Late Ghanshyam Deshmukh Aged About 21 Years R/o Near Dubey Bada, Sikaola Basti, Durg District Durg Chhattisgarh Parmanent Address Village Chandna, Tehsil Rajim, District Raipur Chhattisgarh.
3. Ku. Khomeshwari Deshmukh D/o Late Ghansyam Deshmukh Aged About 19 Years R/o Near Dubey Bada, Sikaola Basti, Durg District Durg Chhattisgarh Parmanent Address Village Chandna, Tehsil Rajim, District Raipur Chhattisgarh.
4. Khilendra Deshmukh D/o Late Ghansyam Deshmukh Aged About 17 Years Respondent No. 04, Khilendra Minor Through His Mother Yogita Deshmukh Respondent No. 01, R/o Near Dubey Bada, Sikaola Basti, Durg District Durg Chhattisgarh Parmanent Address Village Chandna, Tehsil Rajim, District Raipur Chhattisgarh.
5. Govind Deshmukh S/o Late Ghansyam Deshmukh Aged About 68 Years R/o Near Dubey Bada, Sikaola Basti, Durg District Durg Chhattisgarh Parmanent Address Village Chandna, Tehsil Rajim, District Raipur Chhattisgarh.
6. Smt. Pool Bai Deshmukh D/o Govind Deshmukh Aged About 66 Years R/o Near Dubey Bada, Sikaola Basti, Durg District Durg Chhattisgarh Parmanent Address Village Chandna, Tehsil Rajim, District Raipur Chhattisgarh.....Claimants, District : Raipur, Chhattisgarh
7. Mithen Kumar Thakur S/o Gunit Ram Markam Aged About 30 Years Address Binind Fci Godam, Sikaola Basti, Thana Mohan Nagar, Durg District Durg ChhattisgarhDriver,
8. The Branch Manager New India Insurance Company Ltd. Branch Office Parakh Bhavan, Station Road, Santrabadi, Tehsil And District Durg ChhattisgarhIncurer Policy No. 460302311160100010812, Validity Date 22/01/17 Up To 21/01/18 Vehicle Truck No. Cg-04-G-9975, District : Durg, Chhattisgarh **---- Respondents**

For Appellant : Shri C.K.Sahu, Advocate.

Hon'ble Shri Justice Sanjay S. Agrawal

Order on Board

28.11.2019

1. This Miscellaneous Appeal has been filed by the owner of the vehicle along with an application (I.A.No.01/2019) for exemption from depositing amount of Rs.25,000/-.
2. Vide order dated 26.09.2019 this Court, while rejecting the said application, has granted four weeks' time to comply with the same. However, despite providing sufficient time for the said purpose, statutory deposit, as required under sub-section (1) of Section 173 of the Motor Vehicles Act, 1988 (for short, the Act of 1988), has not been paid till date.
3. In view of above, the appeal is dismissed as not maintainable for non-compliance of the provision, as required under Section 173 (1) of the Act of 1988. However, the appellant may file the duly constituted appeal after satisfying the mandatory provisions, as provided under the Act of 1988.

Sd/-

(Sanjay S. Agrawal)
Judge