



FAO-3459-2007 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-3459-2007 (O&M)

Date of Decision: November 21, 2024

Surender Kumar

.....Appellant

Vs.

Manoj Kumar and another

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Geetanjali Bhatia, Advocate for
Mr. Kulvir Narwal, Advocate
for the appellant.

Mr. Gopal Mittal, Advocate
for respondent No. 2-Insurance Co.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 04.05.2007, passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Jhajjar (for short, 'the Tribunal') on account of the injuries suffered by the appellant in a motor vehicular accident, which occurred on 29.03.2004.

2. At the very outset, learned counsel for the respondent-Insurance Company contends that the present appeal is not maintainable under Section 173 of the Motor Vehicles Act, 1988, as no appeal shall lie from an award of the Tribunal if the amount awarded is less than Rs.10,000/-. He further contends that in the instant case, the amount awarded by the Learned Tribunal is Rs.2500/- with interest @ 6% per annum, thereby precluding the right to appeal.

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3. A perusal of the award indicates that the learned Tribunal has awarded compensation of Rs.2500/- to the appellant, vide impugned award dated 04.05.2007. Before proceeding further, it is necessary to reproduce Section 173 of the Motor Vehicles Act, 1988 which reads as under:-

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 ten thousand rupees.”

4. It is settled proposition of law that pursuant to Section 173 of the Motor Vehicles Act, 1988, no appeal is maintainable against an award, wherein the amount awarded falls below Rs.10,000/-.

5. A bare reading of the provision (**supra**) makes it clear that the appeal cannot be entertained by the High Court, where, the awarded amount is less than specified thresh-hold of Rs.10,000/-. In the instant appeal, the Tribunal has granted award of Rs.2500/- to the claimant-appellant.

6. Consequently, in adherence to the statutory provision (**supra**), the present appeal is **dismissed**.



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7. Further liberty is granted to the appellant to pursue appropriate remedy. However, the time spend in pursuing the present appeal shall be excluded while computing the limitation period for pursuing appropriate legal remedy.

7 Pending applications, if any, also stand disposed of.

November 21, 2024

(SUDEEPTI SHARMA)

G Arora

JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes