



FAO-2889-2006 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-2889-2006 (O&M)

Date of Decision: October 15, 2024

Jeet Singh

.....Appellant

Vs.

Mehar Singh and others

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Surinder Saini, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No. 3-Insurance Co.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 03.03.2006, passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Sonapat (for short, 'the Tribunal') on account of the injuries suffered by the appellant in a motor vehicular accident, which occurred on 27.08.2003.

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.5000/- with interest @6% per annum, thereby precluding the right to appeal.

3. A perusal of the award indicates that the learned Tribunal has awarded

compensation of Rs.5000/- to the appellant, vide impugned award dated



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03.03.2006. 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 award amount is less than specified thresh-hold of Rs.10,000/-. In the instant appeal, the Tribunal has granted award of Rs.5000/-.

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

(SUDEEPTI SHARMA)
JUDGE

October 15, 2024

G Arora

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