



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202-A

FAO-676-2006 (O&M)

Date of Decision: November 21, 2024

Rohtas Kumar

.....Appellant

Vs.

Bharat Bhushan Aggarwal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Inderjit Sharma, Advocate for the appellant

Ms. Simran, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent -Insurance Company

SUDEEPTI SHARMA J. (ORAL)

1. The present appeal has been preferred against the award dated 14.10.2005 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Rohtak (for short, 'the Tribunal') for enhancement of compensation, granted to the claimant/appellant to the tune of Rs.6000/- on account of damage caused to his Tata-407-vehicle, in the accident which occurred on 16.07.2000.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not reproduced and is skipped herein for the sake of brevity.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. The Ld. Counsel for the appellant/claimant contends that the amount of compensation awarded by the Ld. Tribunal for the damage caused to



FAO-676-2006 (O&M)

Tata-407 vehicle is on lower side, therefore, he prays for enhancement of the amount of compensation.

4. *Per contra*, learned counsel for the respondent, however, vehemently argues on the lines of the award and contends that the amount of compensation as assessed by the learned Tribunal has rightly been granted. She prays for dismissal of appeal.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A perusal of the award indicates that the learned Tribunal has awarded compensation of Rs.6000/- to the appellant, vide impugned award dated 14.10.2005. This Court has dealt with the same issue in FAO No.2889-2006 titled as ***Jeet Singh Vs. Mehar Singh and others***, the relevant portion of the same is reproduced as under:-

“3. A perusal of the award indicates that the learned Tribunal has awarded compensation of Rs.5000/- to the appellant, vide impugned award dated 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**.”*

7. In view of the above, the amount awarded by the Id. Tribunal is less than Rs.10,000/- and in adherence to the above referred to judgment passed by this Court, the present appeal is **dismissed**.

8. The Insurance Company is hereby directed to disburse the current scheduled fee to Mr. Pardeep Goyal, Advocate, within a period of twenty days from the date of receipt of the copy of this judgment.

9. All the pending applications also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

November 21, 2024
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Whether speaking/non-speaking : Speaking
Whether reportable : Yes /No