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

(118)

CR-1727-2025

Date of decision: - 21.03.2025

Shriram General Insurance Company Limited**....Petitioner****Versus****Sandeep and others****....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. Rajbir Singh, Advocate
for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 25.11.2024 passed by the Motor Accident Claims Tribunal, Gurugram, vide which the petitioner/insurance company has been directed to pay awarded compensation of Rs.51,900/- to respondent Nos.1 to 3 in MACP No.647 of 2020.

2. Learned counsel for the petitioner has submitted that although the provision of Section 173(2) of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the MV Act') specifically provides that no appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than rupees one lakh but the said section does



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not bar from filing a revision petition under Article 227 of the Constitution of India. It is further submitted that thus, the present revision petition is maintainable.

3. The Co-ordinate Bench of this Court in the case of “**Bharti AXA General Insurance Company Ltd. Vs. Sahab Singh and others**”, ***passed in CR-6131-2016, decided on 19.09.2016***, had observed that the plain and simple reading of sub-section 2 of Section 173 of the MV Act prohibits any person from challenging the award if the amount of compensation is less than the amount mentioned in the said provision. It was further observed that once statutory provisions prohibits the filing of the statutory appeal, the affected party cannot be permitted to circumvent the statutory provisions of law by invoking the power of superintendence under Article 227 of the Constitution of India and accordingly, the revision petition was held to be not maintainable. It was further observed that however there was no bar for the claimant to claim enhancement of awarded compensation in the said situation. The relevant portion of the said judgment is reproduced as under: -

“I have heard learned counsel for the petitioner, appraised the paper book and of the view that the revision petition filed at the instance of the insurance company is not maintainable when it is statutorily barred from not filing the same under Section 173(2) of the Motor Vehicles Act, 1988. For the sake of brevity, Section 173(2) of the Motor Vehicles Act reads as under:-

“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.”

Plain and simple reading of sub-section 2 of Section 173



prohibits any person to challenge the Award if the amount of compensation is less than ten thousand rupees. Even the Legislature in its wisdom also amended provisions of Section 102 of the Code of Civil Procedure restricting the maintainability of second appeal where the subject matter of the original suit is for recovery of money not exceeding Rs.25,000/-. In case, revisions are permitted to be entertained then in all the suits having amount less than Rs25,000/-, the Courts would be flooded with the revision petitions. Once statutory provisions prohibits the filing of the statutory appeal, the affected party cannot be permitted to circumvent the statutory provisions of law by invoking the superintending power under Article 227 of the Constitution of India. The scope of superintending power has been deliberated/pondered upon by the Hon'ble Supreme Court in Surya Dev Rai Vs. Ram Chander Rai and others 2004(1) RCR (Civil) 147 has been deliberated/pondered upon and has been held that the superintending powers by the Courts should be used in the mode and manner as has been drafted in the statute books and permitted by law.

The Legislature has put a complete full stop for redressal of the grievance in respect of the amount of compensation less than Rs.10,000/-. Thus, the present revision petition, in my view, invoking the provisions of Article 227 when the statutory appeal is prohibited, is not maintainable. The bar under Section 173(2) is applicable to the persons challenging the reduction/setting aside of the Award but there is no bar to the claimant in case the amount of compensation is less than `10,000/- and he can seek enhancement of the same.

I would not delve upon the merits of the case. The revision petition is dismissed as not maintainable.”

4. It would be relevant to note that after the passing of the abovesaid judgment, Section 173(2) of the MV Act has been amended and the same reads as under: -

“xxx xxx (2) No appeal shall lie against any award of a Claims Tribunal if the amount in dispute in the appeal is less than [one lakh] rupees.”



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A perusal of the above would show that the amount “ten thousand” rupees has been replaced by the amount “one lakh”. Admittedly, the amount of compensation awarded in the present case is less than one lakh rupees.

5. The Hon'ble Supreme Court in the case of “*Shalini Shyam Shetty and another Vs. Rajendra Shankar Patil*”, reported as (2010) 8 *Supreme Court Cases* 329, had observed that the High Courts cannot, at the drop of a hat, in exercise of its power of superintendence under Article 227 of the Constitution, interfere with the orders of tribunals or courts inferior to it. Nor can it, in exercise of this power, act as a court of appeal over the orders of court or tribunal subordinate to it. It was also observed in the said judgment that a statutory amendment with respect to Section 115 of the Civil Procedure Code does not and cannot cut down the ambit of High Court's power under Article 227 but at the same time, it must be remembered that such statutory amendment does not correspondingly expand the High Court's jurisdiction of superintendence under Article 227. The power of interference under this Article is to be kept to the minimum to ensure that the wheel of justice does not come to a halt and the fountain of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court. It was also observed that the power under Article 227 may be unfettered but its exercise is subject to high degree of judicial discipline.

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6. Keeping in view the above, this Court is of the opinion that the impugned order does not call for any interference by this Court while exercising its powers under Article 227 of the Constitution of India and accordingly, the impugned order is upheld and the present revision petition being meritless, deserves to be dismissed and is dismissed.

March 21, 2025*naresh.k***(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?

Yes

Whether reportable?

Yes