

(2009) 12 P&H CK 0067

In the Punjab And Haryana At Chandigarh

Case No : First Appeal Order No. 5076 of 2008

Amar Singh|Cross Objections

APPELLANT

Vs

Harchet Singh

RESPONDENT

Date of Decision : 07-12-2009

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 8 Rule 6A
Motor Vehicles Act, 1988 — Section 173

Citation : (2010) 1 RCR(Civil) 67601

Hon'ble Judges : Rakesh Kumar Garg, J

Advocate : None for the Appellant,, Advocates for appearing Parties

Judgement

Rakesh Kumar Garg, J.

1 this is owner's appeal challenging the impugned award.

2 This appeal has been filed without depositing a sum of Rs. 25,000/ as envisaged under Section 173 of the Motor Vehicles Act, 1988 . Prayer for granting exemption to the appellant from depositing the aforesaid amount was declined vide order dated 10.11.2009.

3 Amount of Rs. 25,000/ as aforesaid has not been deposited. The right to file an appeal is a statutory right and the same can be exercised as per the statute.

4 The deposit of the aforesaid amount is a prerequisite for maintaining this appeal before this court. Thus, I find that the present appeal filed on behalf of the appellant is not properly constituted and, therefore, is not maintainable. Dismissed.

5 Since the appeal is being dismissed being not maintainable, the cross objections filed on behalf of the respondents do not survive and are dismissed as such. However, the respondentclaimants are free to file an appeal in accordance with law. Appeal dismissed.