
(2012) 03 RAJ CK 0089

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 891 of 2010

Madan Singh Through LRs

APPELLANT

Vs

Tej Prakash and Others

RESPONDENT

Date of Decision : 01-03-2012

Acts Referred:

Motor Vehicles Act, 1988 — Section 173(2)

Citation : (2012) 03 RAJ CK 0089

Hon'ble Judges : Mahesh Bhagwati, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mahesh Bhagwati

1. Challenge in this appeal is to the judgment and award dated 9th December, 2009, whereby the learned Motor Accident Claims Tribunal and Additional District Judge (Fast Track) No. 4, Ajmer decreed an amount of Rs. 9740/- in favour of claimant appellant and against the non claimants-respondents. Dissatisfied with the quantum of compensation, the claimant's appellants have filed the instant appeal for enhancement of compensation. Having heard learned counsel for the appellants and carefully perused the impugned award including the relevant material on record, it is noticed that sub-section (2) of Section 173 of the Motor Vehicles Act, 1988 envisages thus:

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.

2. Adverting to the facts of the case, it is relevant to point out that in the instant case, an amount of Rs. 9740/- was decreed by the Tribunal as compensation and in view of the provisions of sub-section (2) of Section 173 of M.V. Act, an appeal would lie to the High Court only where the quantum of compensation exceeds Rs. 10,000/- . Hence in view of the afore-stated legal position, the appeal is found not to be maintainable and the same stands dismissed as not maintainable.