

(2011) 08 KAR CK 0028

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 30464 of 2011

New India Assurance Co. Ltd.

APPELLANT

Vs

Halappa and Others

RESPONDENT

Date of Decision : 16-08-2011

Acts Referred:

Citation : (2013) 1 AKR 299

Hon'ble Judges : H.G. Ramesh, J

Bench : Single Bench

Advocate : Sudarshan M, for the Appellant;

Final Decision : Dismissed

Judgement

H.G. Ramesh, J.—Learned counsel appearing for the appellant submits that though the amount in dispute in this appeal is less than Rs. 10,000/-, the appeal is maintainable in view of a judgment rendered by a learned Single Judge of this Court in The Divisional Manager, The National Insurance Company Limited Vs. Suresh Subray Shet and Others, He prays for overruling of the objection raised by the Registry re-maintainability of the appeal. It is relevant to refer to sub-section (2) of Section 173 of the Motor Vehicles Act, 1988 which reads as follows:

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. A Division Bench of this Court in Ramaiah Setty Vs. Prakash, has taken the view that if the amount in dispute in the appeal is less than Rs. 10,000/-, no appeal is maintainable in view of the above referred statutory provision. It is obvious that the judgment in Ramaiah Setty's case was not brought to the notice of the learned single Judge. In view of The Divisional Manager, The National Insurance Company Limited Vs. Suresh Subray Shet and Others, referred to above is per incuriam.

3. As the amount in dispute in this appeal is stated to be less than Rs. 10,000/-,

the objection raised by the Registry is upheld. The appeal is dismissed as not maintainable. However, the appellant is at liberty to file an appropriate proceeding challenging the judgment and award impugned herein. In view of dismissal of the appeal, Misc. Cvl. Nos. 151330, 151329, 151328 & 151327/2011 also stand dismissed.