

(1990) 08 KAR CK 0013
In the Karnataka High Court

Ramaiah Setty

APPELLANT

Vs

Prakash

RESPONDENT

Date of Decision : 01-08-1990

Acts Referred:

Motor Vehicles Act, 1988 — Section 173 (3)

Citation : (1991) 2 ACC 728

Hon'ble Judges : P. Chandrakantaraj Urs, J;M. Ramakrishna, J

Bench : Division Bench

Judgement

P. Chandrakantaraj Urs., J.—Appellant was respondent in M.V.C. 1716/87. Against a claim of Rs. 32,500/- by the petitioner in the said case before the Accident Claims Tribunal-VIII, Bangalore City, the petitioner therein was awarded a sum of Rs. 1,650/-.

2. The appellant's sole defence in the said case was that he was not the owner of the Vehicle and, therefore, he was not liable to pay any damages to any one muchless the claimant-petitioner. On evidence led, it has been found that the transfer he claimed to have effected in favour of one Ramachandra Naidu was not proved. Therefore, he has been held liable to pay Rs. 1,650/- as compensation including medical expenses to the petitioner therein.

3. Sub-section (2) of Section 173 of the Motor Vehicles Act, 1988 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.

The appellant before us was the respondent in the Claims Tribunal, the only amount which he may dispute is Rs. 1,650/-. Therefore, the amount in dispute in this appeal is less than Rs. 2,000/-.

4. Office objection is, therefore, correctly taken that the appeal is not maintainable.

5. Appeal is dismissed as not maintainable.