
(2009) 08 P&H CK 0159
In the Punjab And Haryana At Chandigarh

Talwinder and Others

APPELLANT

Vs

Sumitra and Others

RESPONDENT

Date of Decision : 28-08-2009

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2011) ACJ 361 : (2009) 156 PLR 282 : (2011) 7 RCR(Civil) 1484

Hon'ble Judges : Rakesh Kumar Garg, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Kumar Garg, J.—This appeal has been filed by the owner-cum-driver of the offending vehicle challenging the impugned award whereby the respondent-claimants have been awarded compensation.

2. By way of this application, the appellant/applicant has sought exemption from making the deposit of Rs. 25,000/- as required u/s 173 of the Motor Vehicles Act, 1988. The aforesaid application came up for hearing on 17th July, 2009. On that day, the appellant had sought one month's time to make the deposit of Rs. 25,000/- as required under the provisions of the Motor Vehicles Act, 1988 and the case was adjourned for today. However, Shri A.K. Walia, learned Counsel appearing on behalf of the appellant/applicant has shown the inability of the appellant/applicant to deposit the aforesaid amount.

3. It is well settled that the right of appeal is a statutory right and the appeal can be filed only in accordance with the provisions of the statute. The deposit of Rs. 25,000/- as envisaged u/s 173 of the Motor Vehicles Act, 1988 is a pre-requisite for filing the appeal on behalf of the owner-cum-driver of the offending vehicle. Since the aforesaid requirement has not been fulfilled by the appellant/applicant, I find no merit in this application and the same is dismissed.

F.A.O. No. 2951 of 2009.

Since the appellant has failed to make the deposit of Rs. 25,000/- as mandated u/s 173 of the Motor Vehicles Act, 1988, this appeal is dismissed as not maintainable.