

Annapurna Vs. Motor Accident Claims Tribunal/ist A.D.J. and ors.

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SooperKanoon Citation : sooperkanoon.com/492350

Court : Allahabad

Decided On : Mar-23-2004

Reported in : 2005(2)AWC1557

Judge : Anjani Kumar, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 173; ;[Constitution of India](#) - Article 226

Appeal No. : C.M.W.P. No. 37641 of 2003

Appellant : Annapurna

Respondent : Motor Accident Claims Tribunal/ist A.D.J. and ors.

Advocate for Def. : S.C.

Advocate for Pet/Ap. : R.K. Porwal, Adv.

Disposition : Petition dismissed

Judgement :

ORDER

Anjani Kumar, J.

1. Petitioner aggrieved by the award dated 30.10.2002 passed by the Motor Accident Claims Tribunal/Ist Additional District Judge, District-Etawah has approached this Court by means of this writ petition under Article 226 of the

[Constitution of India](#) so far as it directs to deposit a sum of Rs. 75,000 out of the total compensation awarded, to the petitioner in the fixed deposit in a nationalized bank for twenty years. Learned counsel for the petitioner submitted that this condition is wholly arbitrary and in this view of the matter, the petitioner relies upon a decision of learned single Judge of this Court in Smt. Runna v. Vth Additional District Judge, Gorakhpur, Writ Petition No. 27782 of 1996, decided on 29.8.1996, 1998 (1) TAC 450 and Anr. judgment of learned single Judge of this Court in Writ Petition No. 29085 of 1996, decided on 10.9.1996. 1997 ACJ 625 and prays for that such a condition is arbitrary and therefore, is liable to be quashed.

2. There is no dispute that the petitioner is beneficiary of the award who has challenged the award by means of this writ petition. Under Section 173 of Motor Vehicles Act an appeal lies to this Court against the award of the Motor Accident Claims Tribunal. First objection to the grant of the relief to the petitioner is that the petitioner instead of approaching this Court by means of this writ petition, should have filed an appeal under Section 173 of Motor Vehicles Act and in view of this statutory provision, this writ petition deserves to be dismissed.

3. There is yet another reason for dismissing this writ petition that in view of the decision of the Apex Court in General Manager Kerala State Road Transport Corporation, 1994 (2) SCC 176, petitioner if feels aggrieved by the award they ought to have approached the Tribunal itself and Tribunal has jurisdiction to decide the application of the petitioner. In view of the guidelines prescribed in the aforesaid case and that having not been followed, this writ petition deserves to be dismissed and is hereby dismissed. However, it will be open to the petitioner to approach either of the remedies, referred to above.

4. With the aforesaid observations, this writ petition is dismissed.