

Ram Naresh Vs. Malti Devi and ors.

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SooperKanoon Citation : sooperkanoon.com/512134

Court : Madhya Pradesh

Decided On : Jun-25-2007

Reported in : 2008ACJ2057

Judge : Abhay Gohil, J.

Appellant : Ram Naresh

Respondent : Malti Devi and ors.

Disposition : Appeal dismissed

Judgement :

Abhay Gohil, J.

1. This appeal is filed by the owner of the vehicle but in compliance of provisions of Section 173 of Motor Vehicles Act, 1988, appellant has not deposited any statutory amount for filing the appeal. Therefore, the appeal is not maintainable.

2. Learned Counsel for the appellant submitted that on 9.5.2007, he has deposited a sum of Rs. 25,000 but as per the requirement of Section 173 of the Motor Vehicles Act, the amount is required to be deposited along with filing of the appeal. The first proviso of Section 173 of the Motor Vehicles Act reads as under:

Provided that no appeal by the person who is required to pay any amount in terms of such award shall be entertained by the High Court unless he has deposited with

it twenty-five thousand rupees or fifty per cent of the amount so awarded, whichever is less, in the manner directed by the High Court:

3. It is admitted fact that the appeal was filed on 13.2.2002 and was admitted on 19.2.2002 but at the time of admission, it was not pointed out by the counsel for the appellant that he has not deposited the amount as required under Section 173 of the Motor Vehicles Act. Later on, it was pointed out that amount has been deposited but as per the requirement of the first proviso of Section 173 of Motor Vehicles Act, the amount shall be deposited along with filing of the appeal and the appeal shall only be entertained thereafter. The appeal was not liable to be entertained on the date of its filing as the statutory requirement was not fulfilled. The sum has been deposited only after lapse of five years and the same cannot be accepted.

4. Accordingly, appeal filed on behalf of the owner of the vehicle is dismissed. Consequently, cross-objections by M.C.P. No. 1744 of 2002 filed by the claimants are also dismissed as withdrawn.