



2025:DHC:6679



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 07.08.2025***+ **MAC.APP. 466/2023 & CM Appls. 52267/2023, 52269/2023**

RANVIJAY RAIAppellant

Through: Mr. Gobind Malhotra, Adv.

versus

RAVINDRA KUMAR TIWARI AND ANRRespondents

Through: Mr. Manish Maini and Ms. Aastha
Chauhan, Advs. for R-1 and 2.**CORAM:****HON'BLE MS. JUSTICE TARA VITASTA GANJU****TARA VITASTA GANJU, J.: (Oral)**

1. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 [hereinafter referred to as "MV Act"] impugning the award dated 07.06.2023 passed by the learned Presiding Officer, MACT-01, South West District, Dwarka Courts, New Delhi [hereinafter referred to as "Impugned Award"].
2. Learned Counsel for the Appellant submits that although a scanned copy of the demand draft was provided to him by the Appellant, the original demand draft was never provided and the Appeal was listed and registered basis of the scanned copy of the demand draft.
3. The matter has been listed before the Court today based on an order passed by the learned Joint Registrar wherein it is stated that the Appellant is unable to deposit the statutory amount as is requisite under Section 173 of the MV Act.
4. The record also reflects that by an order dated 09.10.2023, the Court had directed that subject to the deposit of the entire awarded amount, there



would be a stay on the enforcement of the Impugned Award. Concededly, no amounts have been deposited till today.

5. Learned Counsel for Respondents/Claimants submits that the provisions of Section 173 of the MV Act are clear that no Appeal shall be entertained unless the deposit of Rs. 25,000/- or 50% of the amount awarded, whichever is less, is deposited. It is apposite to set out Section 173 of the MV Act, more specifically the first proviso, in this behalf below:

“173. Appeals.—

(1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Claims Tribunal may, within ninety days from the date of the award, prefer an appeal to the High Court:

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:

Provided further that the High Court may entertain the appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) 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.”

6. In view of the fact that the Appellant has now refused to deposit the amount, this Court has no option but to dismiss the present Appeal.

7. Accordingly, the Appeal is dismissed. All pending Applications are closed. The liberty is, however, granted to the Appellant to revive the Appeal in the event that the statutory amount as is required under Section 173 of the MV Act is deposited by the Appellant.

8. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

AUGUST 7, 2025/r