

Z"

SLP(C)No. 17716 OF 2000
ITEM No.208

Court No. 8

SECTION IVB
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.17716/2000

(From the judgement and order dated 19/04/2000 in FAO 3236/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HIMACHAL ROAD TRANSPORT CORPORATION &ANR

Petitioner (s)

VERSUS

BHUPINDER PAUL SINGH & ANR.
(With prayer for interim relief)
(For Final Disposal)

Respondent (s)

Date : 13/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Rajiv Nanda,Adv.

For Respondent (s) Mr. Neeraj Kumar Jain, Adv.
Mr. Aditya Kumar Chaudhary, Adv.
Mr. Bharat Singh, Adv.
Mr. Ugra Shankar Pd.,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.
The appeal is allowed in terms of the signed order.
Costs on the parties.

.SP1

Sarita (D.D. Jindal)@@
AA
ASSISTANT REGISTRAR@@
AAAAAAAAAAAAAAAAAAAAAAAA AA

(Signed order is placed on the file)

.PA
.PL56

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 4148 OF 2001@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE
(Arising out of SLP(C) No.17716/2000)

HIMACHAL ROAD TRANSPORT CORPORATION & ANR. ...APPELLANTS

VERSUS

BHUPINDER PAUL SINGH & ANR. ...RESPONDENTS

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.
Heard learned counsel for the parties.

The only point for consideration is, whether the High Court was justified in not entertaining the appeal on account of non-deposit of Rs.25,000/- in terms of Section 173 of the Motor Vehicles Act, 1988.

It is not in dispute that the appellant did deposit the entire decretal amount before the Tribunal at Jalandhar though the requirement under the aforesaid Section was to deposit Rs.25,000/- or 50% of the decretal amount whichever is less alongwith the Memo of Appeal. The High Court came to the conclusion, the appellant had to deposit Rs.25,000/- in the High Court alongwith the Memo of Appeal. It is true, under the said Section that is so but since on the facts of this case, the appellant under misconception did

..2/-

.2.

deposit not only the said limited amount but entire decretal amount before the Tribunal. We do not find it would be just and proper to let this appeal be dismissed on this ground of not having deposited alongwith the Memo of Appeal. The purpose of the said Section has been more than satisfied by the said deposit. Accordingly, the impugned order dated 19th April, 2000 is hereby set aside and the case is remanded back to the High Court to entertain the appeal by treating it to be properly filed by the appellant. The High Court will then decide the appeal in accordance with law on merits.

The appeal is allowed. Costs on the parties.

.SP1

.....J.
(A.P. MISRA)

New Delhi,
July 13, 2001.

.....J.
(B.N. AGRAWAL)