

(2012) 09 P&H CK 0394

High Court Of Punjab And Haryana At Chandigarh

Case No: First Appeal from Order No. 122 of 2011

Mohinder Singh

APPELLANT

Vs

Mahi Chand and Others

RESPONDENT

Date of Decision: Sept. 20, 2012

Acts Referred:

- Motor Vehicles Act, 1988 - Section 163A

Citation: (2013) 170 PLR 107

Hon'ble Judges: Rajan Gupta, J

Bench: Single Bench

Advocate: Dolly Shivani for Mr. R.S. Budhwar, for the Appellant; D.P. Gupta, for the Respondent

Final Decision: Dismissed

Judgement

Rajan Gupta, J.

Present appeal has been preferred by the appellant to impugn the award dated 12.08.2010 passed by the Tribunal rejecting the claim preferred u/s 163-A of Motor Vehicles Act, 1988. Learned counsel for the claimant-appellant submits that findings of the Tribunal are erroneous. Claimant suffered serious injuries in the accident. He was entitled to be paid adequate compensation for same.

2. Learned counsel appearing for respondent No. 3 Insurance Company has, however, opposed the plea. He submits that tribunal has rightly rejected the claim. According to him, injury suffered by the claimant was a fracture which was not covered under Schedule I of the Workmens Compensation Act, 1923. Thus, petition u/s 163-A was not maintainable.

3. I have heard learned counsel for the parties. An accident occurred on 10.02.2005. Claimant was returning to his village from the fields. In the accident occurred at that time, appellant sustained certain injuries. A claim was lodged u/s 163-A. The doctor who deposed stated that there was a disability to the extent of 10% as appellant

suffered post traumatic muscular wasting of the right leg. Tribunal came to the conclusion that injury suffered was not covered under Schedule-I of the Workmens Compensation Act. Thus, petition u/s 163-A was not maintainable. Learned counsel for the appellant has not been able to point out any infirmity with the award passed. No interference in appellate jurisdiction is thus warranted. Dismissed.