

**IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH**

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**F.A.O No. 3032 of 2013 (O&M)
Decided on : January 06, 2015**

Sarabjit Kaur

... Appellant.

Versus

Surjan Singh & Ors.

... Respondents

CORAM : HON'BLE MR.JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. S.K.Bawa, Advocate,
Mr. K.S.Sidhu, Advocate, for the appellant.

None for respondents No. 1 and 2.

Mr. M.B.Jain, Advocate, for respondent No.3.

Mahavir S. Chauhan, J. (Oral)

This is claimant's appeal to seek modification of award dated 05.12.2012, whereby the learned Motor Accident Claims Tribunal, Bathinda ('the Tribunal' – for short) has awarded compensation amounting to Rs.16,000/- to the appellant in lieu of expenditure incurred by her on her treatment as also pain and sufferings which the appellant underwent on account of injuries sustained by her in a motor vehicle accident arising out of use of motorcycle bearing registration No. PB-03V-7852 on 12.04.2011. In the occurrence, the appellant incurred temporary disability to the extent of 20%. In the disability certificate doctor described the disability as temporary and stated that working capacity of appellant was likely to

improve with the passage of time. Though, the appellant had proved on record medical bills amounting to Rs.75,000/-, but in view of the embargo contained in the scheduled appended to Motor Vehicles Act, 1988 (for short-'the Act'), learned Tribunal restricted the compensation to Rs.15,000/- and has allowed Rs.1,000/- only towards pain and suffering.

I have heard learned counsel for the parties.

An application for compensation can be maintained under Section 163-A of the Act, only in a case involving death or permanent disability. However, as aforesaid, the appellant did not suffer any permanent disability and as such her application under Section 163-A of the Act was not maintainable.

In view of the fact that the application was not maintainable under the provisions of Section 163-A of the Act, even the compensation for expenditure incurred on treatment and for pain and sufferings could not be granted, but the insurer having chosen not to challenge this part of the findings of the learned Tribunal, I am not inclined to interfere with the impugned award.

Dismissed.

January 06, 2015
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[Mahavir S. Chauhan]
Judge