

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4797 of 2004 (O&M)

Date of Decision: 23.03.2018.

Sukhwant Singh

.....Appellant

Versus

Sukhdev Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. I.S. Brar, Advocate
for the appellant.

Mr. Satpal Shamija, Advocate
for respondent No.3-Insurance Company.

AVNEESH JHINGAN, J.

The appeal arises from award dated 16.01.2004 passed by the Motor Accidents Claims Tribunal, Sirsa (for short 'the Tribunal').

A claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act') was filed by the appellant alleging that he met with a motor vehicular accident on 11.03.2001 involving the Car bearing registration No.HR-24-E-8942 (for short 'the offending vehicle'). As a result of the accident, he suffered injuries.

The Tribunal dismissed the claim petition.

Aggrieved of dismissal, present appeal has been filed. It was claimed that the offending Car was being driven by Sukhdev Singh and the said car hit the tractor trolley. In order to prove his case, the appellant himself appeared as PW1. In his cross-examination, he admitted that he did not report the accident to the police. His admission is there that he was not medico-legally examined. No detail of tractor trolley allegedly involved in the accident was given. The claimant relied upon the photographs of the

offending vehicle in which it was apparent that there was no damage on the left side window. The appellant failed to prove that the injuries suffered by him was a result of the motor vehicular accident and more so that the offending vehicle was involved in the said accident.

The dismissal of the claim petition by the Tribunal cannot be faulted. There is another aspect. The claimant in his claim petition has claimed that he was working with Mini Co-operative Bank and his basic salary was Rs. 6200/- per month. Under Section 163-A of the Act, only those claimants are covered who have their annual earning of Rs.40,000/- or less than 40,000/-.

The Supreme Court has held that for the purpose of Section 163-A the income of the claimant cannot be restricted to Rs.40,000/- per annum as the provision is meant for the strata of the society having income less than Rs.40,000/- per annum.

The appeal is accordingly dismissed.

(AVNEESH JHINGAN)
JUDGE

23.03.2018

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Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No