

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.5180 of 2008

Date of Decision: 06.03.2018

Dharam Singh

... Appellant

Versus

Jagmender & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Sawan Choudhary, Advocate, for
Mr. Vikram Singh, Advocate,
for the appellant.

Mr. B.S. Bairagi, Advocate,
for respondent No.1.

Mr. Rajneesh Malhotra, Advocate,
for respondent No.2.

RAMENDRA JAIN, J.(Oral)

Claimant has filed the instant appeal against impugned award dated 30.08.2008 of the Motor Accident claims Tribunal, Panipat (in short 'the Tribunal') dismissing his claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short 'the Act').

In nutshell, the appellant-claimant relying upon disability certificate (Ex.P-3) showing 30% disability, filed a claim petition under Section 163-A of the Act claiming compensation of ₹3,00,000/- on account of the injuries suffered by him in the motor vehicle accident on 26.03.2006 in the area of Police Post Urlana Kalan, Distt. Panipat.

According to him, the appellant was an employee of respondent No.1. On the fateful day, while driving his jeep, when he was going to Village Bhattaur, District Jind and reached in the area of Police Post Urlana Kalan, Distt. Panipat, the right tyre of the jeep got suddenly punctured. As a

result thereof, his jeep got imbalanced and turned turtle into the pits adjacent to the road. Resultantly, the appellant-claimant suffered various injuries on his elbows and fingers. He got lodged DDR No.19 on the same day qua the accident in question and got admitted in Civil Hospital, Safidon, from where he was referred to PGI, Rohtak.

After holding trial, the learned Tribunal dismissed the claim petition of the appellant vide impugned award dated 30.08.2008, observing that the injuries suffered by the claimant were not covered under the Workmen's Compensation Act, 1923, now known as Employees' Compensation Act, 2009 and thus, he was not entitled to any compensation under Section 163-A of the Act.

Heard.

A perusal of disability certificate (Ex.P-3) of the appellant shows that the claimant-appellant suffered contracture of left hand with claw hand and deformity. Meaning thereby the appellant did not suffer any amputation or chopping of his fingers or hand. Deformity in the hand of the appellant due to the accident, by the passage of time, must have been cured fully. Even otherwise, the aforesaid stiffness or deformity suffered by the appellant cannot be termed as permanent disability and is also not covered under Part I or Part II of Schedule I of the Workmen's Compensation Act.

Therefore, the Tribunal has rightly dismissed the claim petition of the appellant.

This appeal too being devoid of any merit is dismissed.

06.03.2018
monika

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No