

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

FAO No.5859 of 2016(O&M)

Date of decision: 22.3.2018

Nahar Singh

.....Appellant

VERSUS

Kuldeep Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. S.P. Chahar, Advocate for the appellant.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 30.11.2016 passed by the Motor Accidents Claims Tribunal, Rohtak (in short 'the Tribunal') whereby four claim applications detailed in head-note of the award filed under Section 163-A of the Motor Vehicles Act, 1988 (in short 'the Act') have been dismissed.

Nahar Singh, the appellant filed the application for grant of compensation of Rs.6,00,000/- due to injuries sustained by him in a motor vehicular accident that took place on 28.01.2007. The Tribunal dismissed the application primarily on the basis of observations recorded in para 51 of the award. A relevant extract therefrom with regard to the present appellant, reads as follows:-

“petitioner Nahar Singh is a Government employee and he has mentioned his basic pay Rs.3020/- per month and his total income is Rs.6489/- in December 2006 and Rs.6489/- in January, 2007 as is clear from RW2 and from Exhibit R2,

Exhibit R3, therefore, he is not entitled to any compensation as per Section 163-A of the Act.”

Counsel for the appellant has not disputed these factual findings recorded by the Tribunal that as income of the appellant was more than Rs.40,000/- per annum, application for grant of compensation under Section 163-A of the Act is not maintainable. In this view of the matter, well founded findings recorded by the Tribunal do not warrant intervention.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits applications for condonation of delay in filing and re-filing the appeal are of academic relevance only.

MARCH 22, 2018
‘D. Gulati’

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned : yes/no

Whether reportable : yes/no