

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 2622 of 2008 (O&M)
Date of Decision : 19.03.2019

Jasbir Singh

....Appellant

Versus

Randhir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vinod K. Kanwal, Advocate
for Mr. Ashit Malik, Advocate
for the appellant.

Surinder Gupta, J. (Oral)

Heard.

The appellant filed petition under Section 163-A of the Motor Vehicles Act, claiming compensation for the injuries suffered by him in a motor vehicle accident. The manner, in which the appellant suffered injuries as described in para 3 of the award, is reproduced as follows:-

“3. On 18.4.2005 petitioner under instructions and in order to carry out a job for respondent no. 2 Surjit Singh went to Mohan Nagar, Kurukshetra. He was returning from Mohan Nagar towards his house in Sector 7 at about 11.00 a.m. and reached near the turning of Section 13 near the new Bus Stand on Pipli-Kurukshetra road. A cow suddenly came from side of the road and appeared before him. In order to save the cow, claimant applied the brakes but could not control the motorcycle and fell down and suffered multiple and grievous injuries on various part of his person including fractures in the left leg. He received treatment from Dr. Himanshu Anand of

Anand Orthopaedic Centre, Kurukshetra and spent ₹50,000/- on treatment. He underwent pain and suffering and claimed a total compensation of ₹3 lacs.”

Motor Accident Claims Tribunal, Kurukshetra (later referred to as ‘the Tribunal’) declined to grant any compensation to the appellant with the observations as follows:-

“13. It will be abundantly clear from the unambiguous language in use in the section that claim can be lodged by a petitioner under Section 163-A only in case of death or suffering permanently (sic permanent) disability due to accident arising out of the use of motor vehicle.

14. to xx xx xx xx xx
16.

17. The other authority i.e. 2000 (2) PLR 768¹ (supra) rather goes against the contention raised on behalf of the petitioner before this Tribunal. Their Lordships of the Hon’ble Supreme Court observed in the cited case that a victim or his heirs are entitled to claim from the owner/Insurance Company a compensation for death or permanent disablement suffered due to accident without having to prove wrongful act or negligent or default of any one. The evidence comprised in the own statement of petitioner Jasbir Singh, statement of PW-2 Dr. Himanshu Anand who treated him and the copy of the medico-legal report Ex. P2 only prove that some injuries including a fracture were suffered by the petitioner. PW-2 Dr.

Himanshu Anand never stated that the petitioner suffered any permanent disability. Even petitioner did not depose as PW1 that he suffered any permanent disability. That being so, it does not lie in the mouth of the petitioner to claim that this petition is maintainable under Section 163-A. It is not a case of death, it is a case of injury. Petition under Section 163-A could be preferred only if permanent disability was suffered in the accident.

18. *There is another aspect of the case. Only persons who earn ₹40,000/- per year or less can claim the benefit under Section 163-A of the Motor Vehicle Act. In own pleadings of the petitioner, he put his income at ₹13,000/- per month. He was working as Assistant District Attorney in the State of Haryana. It is a pity that the income of the petitioner according to his own claim would come to approximately ₹1,56,000/- per year. Petitioner himself gave a death knell to his case so far as the applicability of Section 163-A of the Motor Vehicles Act is concerned.*
19. *In view of the aforesaid discussion, there cannot be two opinions that neither petitioner has locus standi to file and maintain the present claim petition nor it is maintainable under Section 163-A of the Motor Vehicles Act. Hence, both the issues at hand i.e. issues no. 3 and 4 are answered in favour of the respondents.”*

Learned counsel for the appellant could not cite any law or put

while declining the petition filed by the appellant.

Consequently, this appeal has no merit and the same is dismissed.

March 19, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No