

(2017) 02 P&H CK 0140
In the Punjab And Haryana At Chandigarh
Case No : FAO No. 2087 of 2013 (O&M)

National Insurance Company Limited	Vs	APPELLANT
Sukhvinder Singh		RESPONDENT

Date of Decision : 15-02-2017

Acts Referred:

Motor Vehicles Act, 1988 — Section 163A

Citation : (2017) 2 PLR 196 : (2017) 2 TAC 906

Hon'ble Judges : Rajan Gupta, J.

Bench : Single Bench

Advocate : Mr. D.P. Gupta, Advocate, for the Appellant; Mr. Sandeep Lather for Mr. Ravinder Malik, Advocates, for the Respondent No. 1

Final Decision : Allowed

Judgement

Rajan Gupta, J.—Appellant National Insurance Company Limited has impugned the award dated 21.11.2012, passed by Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri, whereby compensation has been awarded to the claimant on account of injuries suffered by him in the accident.

2. Learned counsel for the appellant has argued that injury suffered by the claimant was a fracture, which was not covered under Schedule I of the Workmen Compensation Act, 1923. Thus, petition under section 163-A of the Act was not maintainable. He has relied upon a judgment reported as Mohinder Singh v. Mahi Chand, 2013 (2) PLR 107.

3. I have heard learned counsel for the appellant and given careful thought to the facts of the case.

4. Accident occurred on 10.6.2008, wherein claimant/ respondent No.1 received multiple grievous injuries. The claimant was employed as driver on the offending vehicle, which was being driven by another person namely, Kuldeep Singh respondent No.2 at the relevant time. Claimant filed a claim petition under section 163-A of the Act. The tribunal allowed the same awarding compensation

to the tune of Rs.1,98,620/-. Dr. Mahavir Goel while appearing as PW-1 deposed that claimant suffered fracture of left side femur bone, for which he was operated. Dr. Depender Singh Sindhu PW-6 proved disability certificate showing 40% permanent disability on account of malunion of left side femur bone. I am of the considered view that the injuries suffered were not covered under Schedule-I of the Workmen Compensation Act. Thus, petition under Section 163-A of the Act was not maintainable, as is held by this court in Mohinder Singh's case (supra).

5. In view of above, this appeal is allowed and impugned award passed by the tribunal is hereby set-aside.