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**(2009) 04 P&H CK 0134**  
**In the Punjab And Haryana At Chandigarh**

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|---------------------------------|----|------------|
| United India Insurance Co. Ltd. | Vs | APPELLANT  |
| Ved Parkash and Others          |    | RESPONDENT |

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**Date of Decision :** 23-04-2009

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 163A

**Citation :** (2009) 04 P&H CK 0134

**Hon'ble Judges :** Hemant Gupta, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

Hemant Gupta, J.—Present appeal is directed against the award of Motor Accidents Claims Tribunal, awarding compensation of Rs. 51,000 on account of permanent and temporary disability, pain, agony and sufferings etc.

2. Learned Counsel for the appellant has raised an argument that in proceedings u/s 163-A of the Motor Vehicles Act, 1988, compensation on account of death and permanent disability alone can be granted. Whereas, the respondent has suffered temporary disability which does not fall within the scope of Section 163-A of the Motor Vehicles Act, 1988. Therefore, the award is not maintainable.

3. The argument raised by learned Counsel for the appellant is factually not tenable. The Tribunal has considered the statement of PW-6 Dr. Rajesh Rohilla, who has deposed that the claimant was having permanent disability to the extent of 10% and temporary disability to the extent of 10%.

4. Thus, it is evident from the statement of Dr. Rajesh Rohilla that the respondent has suffered permanent disability as well. The argument raised by learned Counsel for the appellant is factually not available.

5. Consequently, I do not find any illegality or irregularity in the award rendered by the Tribunal. The appeal is, therefore, dismissed.