

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****243****Date of decision: 19.08.2025**

Vaibhav Jindal **FAO-7205-2016(O&M)**
...Appellant(s)
Vs.
Gurpreet Singh & Others **...Respondent(s)**

Gurpreet Singh **FAO-7206-2016(O&M)**
...Appellant(s)
Vs.
M/s Rakesh Brothers & Another **...Respondent(s)**

Himanshu Jindal **FAO-7207-2016(O&M)**
...Appellant(s)
Vs.
Gurpreet Singh & Others **...Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:-** Mr. Nitish Garg, Advocate
for the appellant (in FAO-7206-2016).Mr. Munish Goel, Advocate
for respondent No.3-Insurance Company
(in FAO-7207-2016 & FAO-7205-2016).*******

**NIDHI GUPTA, J.****FAO-7205-2016**

Present appeal has been filed by the injured-claimant against Award dated 01.08.2016 passed by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as 'the learned Tribunal') in MACT case No.350 of 2013 filed under Section 163-A of the Motor Vehicles Act (hereinafter referred to as "the Act"), whereby Claim Petition of the appellant/claimant has been dismissed.

FAO-7206-2016

Present appeal has been filed by the injured-claimant against Award dated 01.08.2016 passed by the learned Tribunal in MACT File No.353 of 2013 filed under Section 163-A of the Act, whereby Claim Petition of the appellant/claimant has been dismissed.

FAO-7207-2016

Present appeal has been filed by the injured-claimant against Award dated 01.08.2016 passed by the learned Tribunal in MACT File No.344 of 2013 filed under Section 163-A of the Motor Vehicles Act, whereby Claim Petition of the appellant/claimant has been dismissed.

All the above three appeals are being disposed of by this common order as all appeals arise out of the same accident dated 14.09.2012, in which all the above-said appellants had suffered injuries; and facts and alleged offending vehicle in all cases, are identical. For the



sake of convenience, the facts are being drawn from FAO-7205-2016 filed by injured-claimant-appellant namely Vaibhav Jindal.

2. In FAO-7205-2016, the pleaded case of the claimant/appellant as recorded in para 2 of the impugned Award is that:-

“2. The brief facts of the claim petition are that on 14.9.2012 claimant along with Harpal Singh and driver Gurpreet Singh were going from Bathinda to Sunam in Car No. PB-44A-0053. The car was being driven by Gurpreet Singh. At about 3.15 PM when they just crossed village Kotshamir at that time one stray cow came in front of the car and as such the car became out of control and struck with one tractor No. HRB-1106. As a result of which the claimant and other occupants received multiple fractures and injuries on their person, due to use of the motor vehicle. The claimant is aged about 26 years. After the accident he was shifted to Max Hospital, Bathinda, where his operation of the right thigh was conducted and steel plate/rod was also inserted in his right thigh. He remained admitted in Max Hospital, Bathinda from 14.9.2012 to 17.9.2012 and spent about Rs. 2 lacs on his treatment, special diet and conveyance etc. He is still under the treatment. He has become 100% permanently disabled. He is not able to do his daily work due to the said injuries. The claimant claimed compensation to the tune of Rs.10 lacs along with interest @ 18% per annum.”

3. Similar averments were made by the other claimants in the connected claim petitions.



4. Learned counsel for the appellant submits that the Claim Petition has been wrongly dismissed as it had been clearly pleaded by the appellant that in the accident in question, he had suffered multiple injuries and had even suffered permanent disability. It is submitted that merely because no Disability Certificate was produced by the appellant, would not constitute any ground for dismissal of the Claim Petition; as there are various judgments passed by this Court as well as the Hon'ble Supreme Court to the effect that the petition is maintainable under Section 163-A of the Act, even if there is no permanent disability. It is submitted that therefore, the impugned Award is liable to be set aside.

5. No other argument is made on behalf of the appellant.

6. I have heard learned counsel and perused the case file in detail.

7. I find no merit in the submissions advanced on behalf of the appellant. During his cross-examination, the appellant as CW2 has admitted that he had neither obtained any Disability Certificate nor he can produce the same. Moreover, Dr. Manoj Malik, CW1 who had brought on record the medical file of the appellant including his MLR (Ex.C1), MLC sheets (Ex.C2 and Ex.C3) and Discharge Summary (Ex.C4), had indicated that the appellant had only suffered injuries in the accident in question. CW1 during his cross-examination has also admitted that no disability was found or observed in the file of the appellant. In fact, it has also been admitted that in the MLC report at the time of admission, it was found that no surgery was performed



upon the appellant. Even no information could be given by the said witness of any surgery having been undergone by the appellant. Thus, there was no proof of any permanent disability having been suffered by the appellant.

8. Learned Tribunal had accordingly relied upon judgments of this Court in **Sanjeev Kumar v. Ram Pal (Punjab And Haryana) : Law Finder Doc ID # 520519**; and **Raj Singh v. Ballu Ram (P&H) : Law Finder Doc ID # 499637**, and judgment of Kerala High Court in **“United India Insurance Company Ltd. Vs. Akbar Shiahad” (2012) 03 KL CK 0214**, wherein it has been held that Claim Petitions under Section 163-A of the Act are maintainable only in case of death and/or permanent disability. In the present case, it is the own admitted case of the appellant that he has been unable to prove or even indicate any permanent disability suffered by him. As such, on this short ground itself, Claim Petition of the appellant was not maintainable; especially in view of the own admitted cross-examination of the appellant where he has admitted that he had neither obtained any Disability Certificate nor he can produce the same. Even the treating doctor namely Dr. Manoj Malik has admitted that no disability was observed in the appellant.

9. Similarly, in FAO-7206-2016 titled as “Gurpreet Singh Vs. M/s Rakesh Brothers & Another”, it was the pleaded case of the appellant-claimant that:-

“2. The brief facts of the claim petition are that on 14.9.2012 claimant along with Vaibhav Jindal and Harpal Singh were going from Bathinda to Sunam in Car No. PB-44A-0053. The car was



being driven by the claimant. At about 3.15 PM when they just crossed village Kotshamir at that time one stray cow came in front of the car and as such the car became out of control and struck with one tractor No. HRB-1106. As a result of which the claimant and other occupants of the car received multiple fractures and injuries on their bodies, due to use of the motor vehicle. The claimant is aged about 30 years. After the accident he was shifted to Max Hospital, Bathinda, where his operation of nose was conducted. He remained admitted in Max Hospital, Bathinda up to 18.9.2012 and spent about Rs. 2 lacs on his treatment, special diet and conveyance etc. He is still under the treatment. He has become 100% permanently disabled. He is not able to do his daily work due to the said injuries. The claimant claimed compensation to the tune of Rs.8 lacs along with interest 18% per annum.”

10. It was found that the appellant himself in his testimony as CW1 had admitted during his cross-examination that he has no certificate for permanent disablement. In this case, it was also found by the learned Tribunal that the appellant was earning Rs.5,000/- per month. Admittedly, the Claim Petition under Section 163-A of the Act is maintainable of such a person who is having salary of less than Rs.40,000/- per year.

11. Similarly, in FAO-7207-2016, it was the pleaded case of the appellant-claimant that:-

“2. The brief facts of the claim petition are that on 14.9.2012 claimant along with Harpal Singh and driver Gurpreet Singh were going form Bathinda to Sunam in Car No. PB-44A-0053.



The car was being driven by Gurpreet Singh. At about 3.15 PM when they just crossed village Kotshamir at that time one stray cow came in front of the car and as such the car became out of control and struck with one tractor No. HRB-1106. As a result of which the claimant and other occupants received multiple fractures and injuries on their person, due to use of the motor vehicle. The claimant is aged about 27 years. After the accident he was shifted to Max Hospital, Bathinda, where his operation of the left thigh was conducted and steel plate/rod was also inserted in his left thigh. He remained admitted in Max Hospital, Bathinda up to 17.9.2012 and spent about Rs. 2 lacs on his treatment, special diet and conveyance etc. He is still under the treatment. He has become 100 % permanently disabled. He is not able to do his daily work due to the said injuries. The claimant claimed compensation to the tune of Rs.10 lacs along with interest @ 18% per annum.”

12. It is contended on behalf of the appellant in this case also that the appellant-claimant had suffered multiple fractures and injuries on his person due to the use of motor vehicle. It has been pleaded on behalf of the appellant Himanshu Jindal that after the accident, he was shifted to Max Hospital, Bathinda where operation of his left thigh was conducted and steel plate/rod was inserted; and he remained admitted in hospital up to 17.09.2012 and spent Rs.2 lakh on his treatment.



13. However, admittedly, in his cross-examination as CW2, the appellant has admitted that he had no Disability Certificate to show any permanent disablement.

14. It may also be pointed out that besides all of the above admitted facts, learned Tribunal also observed that (Para 16 page 19 of FAO-7205-2016):-

“16. Admittedly the accident in the present case had occurred involving two vehicles i.e. car bearing No. PB-44A-0053 and tractor bearing No. HRB-1106. However, the claimant has not impleaded the owner/driver and insurance company of the tractor bearing No.HRB-1106 as respondents in the present claim petition. It is a settled law that whenever there is contributory negligence involving two vehicles then owner/driver and insurance company of both the vehicles should be made party in the claim petition. Since rashness and negligence on the part of the drivers of both the vehicles is not a question involved under section 163- A of the Act as such this Tribunal do not find any infirmity on the ground of non impleading of the driver/owner and insurance company of tractor bearing No. HRB-1106 as a party. Hence, this issue is decided in favour of the claimant.”

15. In view of the above noted undisputed facts and findings, all the present three appeals are **dismissed**.

16. Pending application(s) if any also stand(s) disposed of.

19.08.2025
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No