

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**FAO-1408-2026 (O&M)
Date of decision: 07.07.2026

Salanta Devi and another

...Appellants

Versus

Sandeep Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTAPresent: Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate for the appellants.

DEEPAK GUPTA, J. (ORAL)**FAO-1408-2026 (O&M)**

On account of the death of Shiv Kumar in a motor vehicular accident, his mother and brother instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation from the driver, owner and insurer of the offending vehicle. The learned Motor Accident Claims Tribunal, Karnal, vide award dated 24.07.2025, awarded compensation of ₹14,60,640/- along with interest, payable jointly and severally by the respondents.

2. Aggrieved by the quantum of compensation, the present appeal has been filed seeking enhancement, accompanied by application **CM-5398-CII-2026** under Section 5 of the Limitation Act, 1963 seeking condonation of delay of 125 days in filing the accompanying appeal.

3. It is pleaded that the appellants were not conversant with the legal procedure and remained dependent upon the advice of their counsel. It is further averred that appellant No.1, having lost her elder son in the unfortunate accident, underwent severe emotional trauma and financial hardship, due to which the appeal could not be instituted within the



prescribed period. It is submitted that the delay is neither deliberate nor intentional.

4. Having heard learned counsel and examined the application, this Court is not persuaded to condone the delay.

5. The appellants had actively contested the claim petition before the learned Tribunal through a duly engaged counsel. Therefore, the plea that they were unaware of the legal procedure or the prescribed period of limitation cannot constitute "sufficient cause" within the meaning of Section 5 of the Limitation Act. A litigant represented by counsel cannot ordinarily seek condonation of delay merely on the ground of ignorance of legal technicalities.

6. The plea of financial hardship is equally devoid of merit. Except for a bald assertion, no documentary material or other convincing evidence has been placed on record to demonstrate that the alleged financial constraints actually prevented the appellants from approaching this Court within the period of limitation. Likewise, though the death of a family member undoubtedly causes immense grief, the application does not disclose any specific circumstance explaining how such emotional distress continued to operate throughout the entire period of delay or prevented the appellants from availing the statutory remedy within time.

7. It is well settled that although the expression "sufficient cause" is to receive a liberal construction, the discretion under Section 5 of the Limitation Act cannot be exercised in the absence of a bona fide and satisfactory explanation covering the entire period of delay. The explanation furnished by the appellants is vague, general and unsupported by any material particulars. Consequently, the delay of 125 days remains unexplained.



8. Accordingly, the application is dismissed.
9. On merits, Learned counsel for the appellants fairly submits that the only grievance raised in the present appeal is that compensation under the head of loss of consortium has been awarded to the mother of the deceased but not to his brother.
10. This Court finds no merit in the said contention.
11. The concept of consortium has undergone considerable expansion through judicial pronouncements. However, the law as authoritatively explained by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others, 2017 (4) RCR Civil 1009***, and ***Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram and others (2018) 18 SCC 130***, recognizes spousal, parental and filial consortium. A sibling does not ordinarily fall within the category of beneficiaries entitled to compensation under the conventional head of consortium.
12. In the present case, the learned Tribunal has already awarded filial consortium to the mother of the deceased in accordance with the settled legal position. No legal right has been shown in favour of the brother to claim consortium independently. Thus, the sole ground urged in support of the appeal is contrary to the law laid down by the Hon'ble Supreme Court.
13. No other argument has been advanced to demonstrate that the compensation assessed by the learned Tribunal suffers from any error in the assessment of income, multiplier, deductions or the conventional heads.
14. Accordingly, even on merits, no case for enhancement is made out.



15. Resultantly, CM-5398-CII-2026 seeking condonation of delay is dismissed. Consequently, the appeal is dismissed as barred by limitation. Even otherwise, on merits also, the appeal is found to be devoid of substance and is accordingly dismissed.

07.07.2026
Yogesh

(DEEPAK GUPTA)
JUDGE

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