

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1363 of 2013 (O&M)
Date of Decision:23.02.2015

Chandi Ram and others

....Appellants

Versus

Mohinder Masih and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. V.S. Punia, Advocate for the appellants.

Mr. Sukhdarshan Singh, Advocate for respondent No.3-
New India Assurance Company Ltd.

NAVITA SINGH, J.

CM No.7922-CII of 2013

1. In FAO No.1363 of 2013, there is delay of 530 days in filing the appeal. The reason given in the application is that the applicant-appellant No.1 is under shock due to the death of his wife and was not in the right mental state to decide what to do and what not to do. He gradually gained normalcy and then filed the appeal.
2. Counsel for the applicant-appellant argued that the Motor Vehicles Act is a beneficial legislation and some solace is there for the families of the victims when they get compensation in terms of money.
3. Counsel for the other side, however, pointed out that such ground is taken almost in every appeal where there is delay and the reason not being cogent, the application should be dismissed.
4. It is not disputed that the applicant-appellant Chandi Ram suffered great loss due to the demise of his wife but for him to say that he was under shock and not in a fit mental state to decide anything, would not be the truth

because he would have been in the greater shock when he filed the claim petition. The accident took place on 23.1.2010 while the petition was filed on 4.9.2010. At that time, if, he was in normal mental disposition and could engage a lawyer, file a claim petition and make a statement in court, it is not believable that he was under shock in 2013 when the appeal was filed and was unable to decide what to do and what not to do.

5. Here the appellants have come up for enhancement though considerable amount was already granted to them by the Tribunal.

6. The reason given in the application being totally unconvincing, the application is dismissed.

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Since the appeal is barred by time, the same is hereby dismissed.

**(NAVITA SINGH)
JUDGE**

23.02.2015
Ishwar

Whether to be referred to reporter: Yes