

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.205

FAO No.6550 of 2017 (O&M)

Date of decision: 21.12.2017

Shanit Sarup Dhamija (now deceased) through his LR and another
....Appellants

versus

Sundar Lal and others
....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Kulwant Singh Dhanora, Advocate
for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

There is a delay in 372 days in filing of the appeal. Such delay is sought to be condoned on the ground that the appellants are simple persons; they were not aware about the Court procedure especially the law on limitation and that they had collected the judgment of the Motor Accidents Claims Tribunal, Kurukshetra (for short – the tribunal) from their counsel before the tribunal and handed over the same to a counsel practicing in this Court but he did not file the appeal in time.

Ignorance of law is no excuse and certainly not a ground for condonation of delay. The application also does not specify as to when the award of the tribunal was prepared and as to when was it collected by the appellants. The names of the appellants' counsel before the tribunal as also the counsel of this Court whom they had allegedly engaged is also missing. No reasons are also given as to why from February 2016 till May 2017, no enquiry was made by the appellants from the imaginary counsel of this Court whom they had engaged to file the appeal.

In spite of the above delay, counsel for the appellants/claimants was heard on merits.

The solitary contention raised by learned counsel for the appellants to seek enhancement of the awarded compensation is that the tribunal fell in error while determining compensation by taking the monthly income of the deceased to be ₹4520/-. According to the learned counsel the same was on the lower side.

The afore submission has been considered but the same does not warrant a favourable consideration.

No record has been shown to this Court in support of the above contention. Even otherwise, on perusal of the award by the tribunal, it is found that on 13.10.1997 the deceased was appointed as an Assistant Lineman with the Haryana State Electricity Board in the pay scale of ₹4000-100-4800-EB-100-6000. He had died on 22.10.1997. After taking his basic monthly salary as ₹4000/- and adding to the same dearness allowance @ 13%, the monthly income of the deceased was assessed as ₹4520/-. No fault in these findings are found and therefore, the same are affirmed.

No other point was urged.

In view of the above, the present appeal fails both on the ground of delay as also on merits.

Dismissed.

(DEEPAK SIBAL)
JUDGE

December 21, 2017

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No