

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

FAO-6255-2015(O&M)

Date of decision:-23.7.2019

Smt.Meera and others

...Appellants

Versus

Rattan Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.J.P. Jangu, Advocate
for the appellants.

Mr.Punit Jain, Advocate
for respondent No.2 – insurance company.

H.S. MADAAN, J.

On account of death of Sonu, aged about 28 years stated to be working as a driver and earning Rs.3,200/- per month in a road side accident, which took place on 17.8.2012 arising out of use of vehicle No.HR47B-1115, his legal representatives, namely, Smt.Meera, aged about 21 years – wife, Baby Asha, aged about 1 year -minor daughter, Sh.Banwari Lal – father and Smt.Saroj – mother had brought a claim petition under Section 163-A of the Motor Vehicles Act against respondents i.e. Rattan Singh – owner and Shri Ram General Insurance

Co. Ltd. - insurer of the vehicle in question.

After contest, the claim petition was allowed partly by learned Motor Accidents Claims Tribunal, Rewari vide award dated 12.11.2013 and a compensation of Rs.4,70,300/- with interest and cost was awarded to the claimants payable by both the respondents jointly and severally.

The claimants felt aggrieved by the said award and have approached this Court by way of filing an appeal seeking enhancement of compensation awarded to them.

The appeal has been filed belatedly by 456 days. An application under Section 5 of Limitation Act seeking condonation of that delay has been filed, notice of which was given to respondents. The respondent No.2 – insurance company appeared through counsel and resisting the application as well as appeal.

I have heard learned counsel for the parties besides going through the record.

The Tribunal in this case has awarded compensation in terms of structured formula in light of the second schedule, as such, no fault can be found with the award and no amount over and above the one granted by the Tribunal can be allowed. On merits, the appeal is doomed for failure. Even otherwise, the appeal is time barred and I do not see any reason to allow application under Section 5 of the Limitation. Act. The plea taken in the application that appeal could not be filed against the award since after death of deceased nobody was there to look after his family, resulting in delay of 456 days in filing the appeal does not come

out to be plausible and satisfactory.

As such, the appeal stands dismissed being time barred as well as on merits.

23.7.2019
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No