



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 11.12.2025

FAO-1197-2023(O&M)

Jitender

...Appellant(s)

Vs.

Jitender Pal Singh & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- M. Chetan Kapoor, Advocate
for the appellant.

NIDHI GUPTA, J.
CM-4557-CII-2023

This is an application under Section 5 of Limitation Act for
condonation of delay of 405 days in filing the appeal.

The reason cited by the applicants/appellants for condonation
of extraordinary delay of 405 days is that:-

"2. That it is relevant to mention here that the present appeal has been filed by the appellant who is not known with the technicalities of law and he is fully dependent upon the advise of his counsel. The appellant met with the counsel in the first week of January, 2023, only then the Ld. Counsel has suggested him to file an appeal before this Court. Thereafter, he arranged the funds and approached his Counsel at Sonapat for the further action. He has handed over the certified copy of the award to the appellant and suggested him to file an appeal before the Hon'ble



High Court. Then the appellant reached and met the present counsel on 29.01.2023. Thus the appeal is now being filed and the delay happened due to the above mentioned reasons.”

The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 405 days in filing the present appeal. It is cardinal principle of law that delay of each day has to be explained. Reliance may be placed upon recent judgment of Hon’ble Supreme Court in **“Shivamma (Dead) by LRs Vs. Karnataka Housing Board & Others” Civil Appeal No.11794 of 2025 decided on 12.09.2025**. As such, no ground is made out for condoning inordinate delay of 405 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.2,48,706/- awarded by the Motor Accident Claims Tribunal, Sonepat (hereinafter ‘the learned Tribunal’) vide Award dated 22.09.2021 passed in MACP Case No.307 dated 30.05.2019 filed under Section 166 read with Section 140 of the Motor Vehicles Act (hereinafter “the Act”).

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 22.11.2018 at about 6:15 pm due to the rash and negligent driving of Innova Car bearing registration No.HR-55P-4126



(hereinafter “the offending vehicle”) being driven and owned by respondent No.1, and insured by respondent No.2. Vide the impugned Award, the appellant has been held liable for contributory negligence to the extent of 90%; whereas respondent No.1 has been held liable to the extent of only 10%. Respondent No.1/driver was held liable to pay the compensation amount to the above extent of 10% i.e. ₹24,871/—.

3. It is inter alia submitted by learned counsel for the appellant that the appellant had proved on record that he was working in SINO India Textiles Pvt. Ltd. and earning about Rs.18,000/- per month. Yet the Tribunal has taken income of the appellant as that of an unskilled labourer as only Rs.8,000/- per month. Moreover, very meagre amount of compensation of only Rs.24,871/- along with interest @ 9% has been awarded to the appellant. Learned Tribunal has granted only Rs.10,000/- towards future medical expenses; whereas the same should be Rs.1 lakh. Learned Tribunal has awarded only Rs.20,000/- for attendant charges, special diet and transportation; whereas the same should have been Rs.60,000/-. Meagre amount of Rs.40,000/- has been awarded on account of pain and suffering and the same should be at least Rs.1 lakh. Even amount of medical bills is on the lower side. It is contended that in the accident in question, the appellant had become 17% permanently disabled as a result of which, he is unable to do his work. However, the learned Tribunal has taken permanent functional disability of the appellant as only 5%. The Tribunal has also erred in fixing



negligence of the appellant at 90% and that of the offending vehicle at only 10%. Ld. counsel accordingly prayed that the impugned Award be modified.

4. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

5. Perusal of record of the case shows that it is the pleaded case of the appellant in the Claim Petition before the learned Tribunal that *“on 22.11.2018, at about 6:15 PM, the petitioner was crossing the GT Road, in village Bari, Tehsil Ganaur, District Sonapat, meanwhile the offending vehicle i.e. Innova car bearing no. HR-55P-4126 was coming from the side of Panipat being driven by the respondent no.1 in a rash and negligent manner at a high speed, without observing the traffic rules, hit him and he sustained injuries on his left leg.”* Besides the above, even while appearing as PW1, appellant has admitted that at the time of accident, he was crossing the National Highway when the offending vehicle hit him. Thus, it is the own admitted case of the appellant that he was jaywalking, and that too on the national highway. Moreover, learned Tribunal had perused the site plan which formed part of the Final Report under Section 173 Cr.P.C. (Ex.P2) from which it was clear that the point at which the appellant was crossing the National Highway, there was neither any zebra crossing nor any cut on the divider to enable any pedestrian to cross the National Highway. It was correctly observed that on the National Highway, the vehicles are normally driven at a fairly fast speed;



and as there was neither any cut on the divider nor any zebra crossing, there was no reason for the respondent No.1 to anticipate that any pedestrian would be crossing the National Highway and hit the offending vehicle. It was in this background that the learned Tribunal had held the appellant responsible to the extent of 90% in causing the accident in question as the appellant himself was not following the Traffic Rules by crossing the National Highway from an unauthorized place. I find no error in the said conclusion of the Tribunal.

6. Age of the appellant was determined to be 28 years on the basis of his Aadhaar Card (Ex.P1). Further, the appellant had stated that he was working with SINO India Textiles Pvt. Ltd. and earning Rs.18,000/- per month. In support, the appellant had examined PW2 Naresh Kaushik. The appellant had also produced service record in the form of Provident Fund Exit Form (Ex.P10) and Wage Register (Ex.P11); from which it was clear that the appellant had left the said job in April 2018. Thus, on the date of accident, the appellant was not employed with SINO India Textiles Pvt. Ltd. Accordingly, the learned Tribunal had correctly taken income of the appellant as that of an unskilled labourer as Rs.8,000/- per month on the basis of the relevant Minimum Wage Notification issued by the Government of Haryana.

7. As per the medical evidence on record in the form of Disability Certificate (Ex.P13), medical record (Ex.P4 to Ex.P9), the appellant had suffered 17% disability in relation to his left leg/foot as he had suffered



amputation of his toes. Accordingly, the learned Tribunal had granted Rs.40,000/- towards pain and suffering. As the 17% disability reflected in Disability Certificate (Ex.P13) was only in respect of his left leg/foot, learned Tribunal had assessed functional disability of the appellant as 5% and had therefore, granted loss of future earning per annum at the rate of 5%. In any event, on a Court query, learned counsel for the appellant has been unable to inform this Court as to the exact nature of job of the appellant with SINO India Textiles Pvt. Ltd. Learned counsel has also not disclosed if the appellant is currently employed. The appellant has not been able to show anything as to how the said disablement will impede the appellant in performing his duties. Thus, I find no error in the amount awarded by the learned Tribunal towards pain and suffering. Further, even though the appellant was apparently not employed, however, as the appellant had remained hospitalised for 7-8 days, the Tribunal had awarded Rs.16,000/- towards loss of income. The medical expenses to the tune of Rs.61,106/- were granted to the appellant as per the Medical Bills (Ex.P4 to Ex.P9) produced by him. Therefore, there is no requirement to enhance the same. No evidence was led by the appellant to show that any future medical expenses were required yet Tribunal awarded Rs.10,000/- towards the same. Learned Tribunal had further granted Rs.20,000/- towards transportation, special diet and attendant charges. Further amount of Rs.20,000/- was granted under loss of



amenities and loss of expectation of life. Accordingly, the learned Tribunal had awarded compensation in the following manner:-

Head	Amount
Pain and suffering	Rs.40,000/-
Treatment expenses	Rs.61,106/-
Loss of income	Rs.16,000/-
Loss of future earnings	Rs.81,600/-
Special diet, transportation and attendant charges	Rs.20,000/-
Loss of amenities and loss of expectation of life	Rs.20,000/-
Future medical expenses	Rs.10,000/-
Total	Rs.2,48,706/-

8. In view of the above discussion, I find no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed** on grounds of delay as well as on merits.

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

11.12.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No