



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

116-2

FAO-761-2024 (O&M)

Date of decision: 15.12.2025

Satyavir and others

...Appellant(s)

Vs.

Om Parkash and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vijay Sangwan, Advocate
for the appellants.

NIDHI GUPTA, J.CM-2720-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 271 days in filing the appeal.

2. The only reason cited by learned counsel for the applicant/appellant in the abovesaid application for condonation of 271 days delay in filing the appeal is as under: -

"3. That the appellants was not aware about the period of limitation to file the appeal and came to know about the same in the last week of January 2024 and then applicant-Appellants approached the undersigned counsel and in the mean time appeal becomes barred by limitation of 271 days and the undersigned counsel without any further delay filed the appeal in this Hon'ble Court for enhancement of the compensation."



3. The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 271 days in filing the present appeal. It is cardinal principle of law that delay of each day has to be explained. In this regard, reliance may also be placed upon recent judgment of the Hon'ble Supreme Court in **Civil Appeal No. 11794 of 2025** titled as **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and others, 2025 INSC 1104 decided on 12.09.2025.**

4. As such, no ground is made out for condoning inordinate delay of 271 days. Present application accordingly stands **dismissed**.

FAO-761-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.13,31,260/- awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter "the learned Tribunal") vide Award dated 08.02.2023 passed in MACP Case No. 312 dated 31.08.2021 filed under Section 166 of Motor Vehicles Act, (hereinafter "the Act"). The 3 claimants are the 46-year-old husband; 17-year-old daughter; and 15-year-old daughter of deceased Bimla Devi, who was 49 years old at time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Bimla Devi had died due to the injuries suffered by her in a motor vehicular accident that took place on 13.08.2021 due to the rash and negligent driving of Truck/Trailer bearing registration No. RJ-42GA-3765 (hereinafter "the offending vehicle") being driven by respondent No.1;



owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded abovesaid compensation along with interest @ 7.5% per annum. All respondents were held liable to pay the compensation jointly and severally.

3. The only ground on which learned counsel for the appellants seeks enhancement of compensation is that income of the deceased has been taken on the lower side. It is accordingly prayed that present Appeal be allowed; and the compensation be modified.

4. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

5. Perusal of the record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident, deceased was 40 years old and doing a private job in Bakhtawar Oil Mill, Jamalpur and was getting salary of Rs.17,000/- p.m. However, a perusal of the record shows that except for the self-serving statement of claimant No.1/husband of the deceased as PW1, no evidence whatsoever was produced by the appellants to prove the said alleged employment or income of the deceased. Even no Bank Passbook or statement of account of the deceased, et cetera was produced to show that any such salary was being received by the deceased. Accordingly, learned Tribunal had assessed notional income of the deceased as Rs.9,700/- p.m. as per the prevailing wages for the unskilled workers.



6. Although in the Claim Petition, deceased was stated to be 40 years old however, as per Aadhar Card Ex.R2, her date of birth is mentioned as 15.07.1972. As such, on the date of accident i.e. 13.08.2021, deceased was 49 years old. Accordingly, learned Tribunal had made addition of 25% towards future prospects; thereby calculating monthly income of the deceased as Rs.12,125/- (Rs.9,700+Rs.2,425). As there were 3 claimants, learned Tribunal had correctly deducted 1/3rd towards personal expenses; thereby calculating annual dependency to be Rs.97,020/- (Rs.12,125-Rs.4,040 X 12). Learned Tribunal had correctly applied multiplier of 13; thereby calculating compensation to be Rs.12,61,260/- (Rs.97,020 X 13). Learned Tribunal had further awarded Rs.40,000/- towards loss of consortium; Rs.15,000/- towards loss of estate; and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.13,31,260/- (Rs.12,61,260 + Rs.40,000 + Rs.15,000 + Rs.15,000).

7. Thus, the Tribunal has awarded compensation in accordance with law. As such, no ground is made out to interfere in the impugned Award. The present Appeal is accordingly **dismissed**.

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

15.12.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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