



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-760-2024 (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-2719-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 272 days in filing the appeal.

2. The only reason cited by learned counsel for the applicant/appellant in the abovesaid application for condonation of 272 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 272 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 272 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 272 days. Present application accordingly stands **dismissed**.

FAO-760-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.18,08,800/- awarded by Motor Accident Claims Tribunal, Narnaul (hereinafter "the learned Tribunal") vide Award dated 08.02.2023 passed in MACP Case No. 313 dated 31.08.2021 filed under Section 166 of Motor Vehicles Act, (hereinafter "the Act"). The 3 claimants are the 46-year-old father; 17-year-old sister; and 15-year-old sister of the deceased Ajay Kumar, who was 21 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-Ajay Kumar had died due to the injuries suffered by him 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 above said compensation along with interest @ 7.5% per annum. All the 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 doing a private job in Dishu International (TVS) at IMT Manesar, Gurugram and was earning Rs.25,000/- p.m. A perusal of the record shows that to prove the said avocation and income of the deceased, the claimants had examined Vijay Singh, Supervisor, Dishu International Company as PW2, who had proved the Attendance Register Ex.PW2/A; salary slips Ex.PW2/B; appointment letter Ex.PW3/C, from which it was proven that the deceased was receiving net pay of Rs. 11,326/- p.m. and had received Rs.16,170/- for the month of July 2021. As per the Bank Passbook Ex.P14 of the deceased, he had received a sum of Rs.11,298/- in his account for the month of May 2021 and Rs.11,326/- for the month of July 2021 et cetera. Accordingly, learned Tribunal had taken



income of the deceased as Rs.11,500/- p.m. I find no error in the same. Thus, claimants have failed to show anything to prove that deceased was earning Rs.25,000/- p.m. Further age of the deceased was proved to be 21 years old on the date of accident on the basis of his Aadhar Card Ex.P12; wherein his date of birth is mentioned as 10.04.2000. Accordingly, learned Tribunal had made addition of 40% towards future prospects; thereby calculating monthly income of the deceased as Rs.16,100/- (Rs.11,500+Rs.4,600). As deceased was unmarried, learned Tribunal had correctly deducted 50% towards personal expenses; thereby calculating annual dependency to be Rs.96,600/- (Rs.16,100-Rs.8,050 X 12). Learned Tribunal had correctly applied multiplier of 18; thereby calculating compensation to be Rs.17,38,800/- (Rs.96,600 X 18). Tribunal had further awarded Rs.40,000/- towards loss of love and affection; Rs.15,000/- towards loss of estate; and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.18,08,800/- (Rs.17,38,800 + Rs.40,000 + Rs.15,000 + Rs.15,000).

6. 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**.

7. 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