



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115

Date of decision: 10.12.2025

FAO-2630-2024(O&M)

Amina & Others

...Appellant(s)

Vs.

Asif Khan & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Abhinav Sood, Advocate
for the appellants.

Mr. D.K. Prajapati, Advocate
for respondent No.3.

NIDHI GUPTA, J.CM-9915-CII-2024

This is an application under Section 5 of Limitation Act for
condonation of delay of 266 days in filing the appeal.

The reason cited by the applicants/appellants for condonation
of extraordinary delay of 266 days is that:-

*"2. That the appellants are poor and illiterate persons who are
not aware about intricacies of law and was not aware of the fact
that appeal can be filed before this Hon'ble Court against the
impugned award for enhancement. That the appellants
approached the present counsel for the purpose of some other
work only recently and during discussion the present counsel
was informed by the appellants about the impugned award.*



That the present counsel advised the appellants to file the present appeal before this Hon'ble Court and the appellants were asked by present counsel to arrange all the necessary documents and records of entire proceedings before Ld. Tribunal. That thereafter, the appellants applied for certified copies of entire record and also arranged for necessary funds for the purpose of filing the present appeal."

The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 266 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 266 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.25,98,000/- awarded by the Motor Accident Claims Tribunal, Palwal (hereinafter 'the learned Tribunal') vide Award dated 15.04.2023 passed in MACP Case No.291 dated 11.11.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 9 claimants are the widow; five minor children aged 8 months, 10 years, 8 years, 2 years, and 3 years respectively; 17-year-old sister; 48-year-old



father and 46-year-old mother of deceased Sahid, who was 25 years old at the time of accident. Present appeal has been filed by the widow, 5 minor children and mother of the deceased; and sister and father of the deceased are impleaded as pro-forma respondents No.4 and 5 herein.

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 deceased Sahid had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.07.2020 due to the rash and negligent driving of Swift Dzire Car bearing registration No.HR-52-E-6598 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 6% per annum. The respondents were held jointly and severally liable.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side. Moreover, amount of Rs.1 lakh should have been awarded on account of loss of estate, loss of consortium and funeral expenses. Future prospects should be 50%. Last rites should be awarded @ Rs.50,000/-. Interest should be @ 18% per annum; and deduction should be 1/9th. It is accordingly prayed that the impugned Award be modified, and compensation be enhanced.



4. Per contra, learned counsel for the respondent No.3-Insurance Company opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal accordingly deserves to be dismissed.

5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submission advanced on behalf of the appellants.

6. It was the pleaded case of the appellants before the learned Tribunal that the deceased was involved in the business of selling and purchasing buffalos and was earning Rs.20,000/- per month. However, as the appellants failed to produce any evidence in this regard, learned Tribunal had assessed notional income of the deceased as per Minimum Wages admissible to an unskilled labourer on the basis of the Minimum Wage Notification issued by the Haryana Labour Department applicable with effect from 01.07.2020, as per which minimum wages for unskilled labourer is Rs.9,458/-.

7. Further, age of the deceased was determined to be 25 years on the basis of his Post-Mortem Report (Ex.P8). Accordingly, the Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 18. Further, learned Tribunal has correctly made deduction of 1/5th towards personal expenses as claimants No.7 and 8 being the 17-year-old sister and 48-year-old father of the deceased could not have been held to be financially dependent upon the deceased. Under the



conventional heads, the Tribunal has awarded an amount of Rs.2,40,000/- by way of consortium to claimants No.1 to 6 and 9; further awarded Rs.70,000/- towards funeral expenses and loss of estate; thereby granting total compensation of Rs.25,98,045/- in the following manner:-

Head	Amount
Monthly income after adding 40% future prospects of Rs.13,241/- (Rs.9458/- + Rs.3783/-)	Rs.13241/-
Annual dependency of Rs.1,58,892/- for the purpose of awarding compensation (Rs.13241/- x 12)	Rs.1,58,892/-
Multiplier of 18	Rs.28,60,056/-
Deduction of 1/5 th	Rs.22,88,045/-
Compensation	Rs.22,88,045/-
Loss of estate, loss of consortium and funeral expenses	Rs.70,000/-
Loss of consortium to claimants No.2 to 6 and 9	Rs.2,40,000/-
Total	Rs.25,98,045/-

8. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. No doubt Chapter-12 of the Act is a beneficial legislation yet, as cautioned by the Hon'ble Supreme Court, the same cannot be allowed to be treated as a windfall or a source of profit. Hon'ble Supreme Court in '**State of Haryana & Another Vs. Jasbir Kaur & Others'** Law Finder Doc ID # 64043 and '**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty'**, (2003) 7 SCC 197, has held that the amount of



compensation should be just and reasonable, it should neither be a bonanza nor a source of profit but at the same time it should not be a pittance. In the case of “**General Manager, KSRTC Vs. Susamma Thomas & Others**” **1994 Volume-II SCC 176**, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

9. In view of the above noted factual and legal position, the present appeal accordingly stands **dismissed** on grounds of delay as well as on merits.

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

10.12.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No