



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 22.12.2025

FAO-3513-2025(O&M)

Mandeep Kumar & Others

...Appellant(s)

Vs.

Jagdish Chander & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashwani Bhardwaj, Advocate
for the appellants.

NIDHI GUPTA, J.CM-11237-CII-2025

This is an application under Section 5 of Limitation Act for condonation of delay of 30 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of appellant No.1, the same is allowed subject to all just exceptions and delay of 30 days in filing the present appeal is condoned.

CM-11238-CII-2025

This is an application under Rule 5(1) Chapter I Part A Vol. 5 of the High Court Rules and orders read with Section 151 CPC for condonation of delay of 947 days in re-filing the appeal.

The only reason given for condoning such inordinate delay is:



“2. That the applicants-appellants had filled appeal before this Court in the month of August 2022, but the registry has raised the some objections.

3. That after submitting the paperbook in the registry of court, the brief has be kept with pending matters but inadvertently was kept with the admitted matters and due to misunderstanding the counsel has forgotten about the matter and could not received back the paperbook from the registry after objection.

4. That thereafter the matter was listed in the list of incomplete matter and on 25.11.2024, this Hon'ble Court was pleased to disposed off the appeal and ordered to consigned the file to record room on account of non-removal of defects of the appeal.

5. That when the counsel came to know about the matter, moved the application for recalling the order dated 25.11.2024 with liberty to grant an opportunity to remove the defect and vide order dated 25.04.2025, this court has granted to week's time to remove the defects.”

The Law of Limitation is enacted with a purpose, as a handmaid of Justice and cannot be ignored/reduced to an ineffective piece of legislation by giving it the complete go-by. With passage of time, rights of the parties get crystallised. It is the bounden duty of every litigant to pursue his case diligently; and it is also the bounden duty of this Court to ensure that justice inures to both parties concerned.

It is my considered view that keeping in mind the totality of the facts and circumstances of the case, the reasons cited by the applicant



for condonation of delay, do not constitute sufficient cause. In view of above, present application is **dismissed**.

FAO-3513-2025

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.5,00,000/- awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide Award dated 05.04.2022 passed in MACP Case No.72 dated 16.08.2021 filed under Section 163-A of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the husband; and three minor children of deceased Renu Devi, who was 31 years old at the time of accident.

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 Renu Devi had died due to the injuries suffered by her in a motor vehicular accident that took place on 18.06.2021 due to the involvement of motorcycle bearing registration No.HR-80C-2575 (hereinafter referred to as "the offending vehicle") being driven by claimant/appellant No.1, owned by respondent No.1, and insured by respondent No.2.

3. Learned counsel for the appellants submits that very meagre amount of compensation has been awarded by the learned Tribunal. It is submitted that the learned Tribunal did not consider that present trends of



inflation cost of foodgrains and all other items and also not considered that life expectancy is also increasing day by day.

4. Learned counsel further refers to the submissions as made in Para 4(g) of the present Grounds of Appeal, which reads as follows:-

“g. That the Id. Tribunal has assess the income of the deceased Saroj in view of the section 164 of the Act on the lower side without considering the fact that the contribution made by the mother/wife sto the house is invaluable and cannot be computed in terms of money. The gratuitous services rendered by wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others. A wife/mother does work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer's work for particular hours. She takes care of all the requirements of husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean etc., but she can never be a substitute for a wife/mother who renders selfless service to her husband and children. Keeping in view of the responsibilities and duties of the deceased the income should be considered 10,000/- per month.”

(Emphasis added)



5. It is accordingly prayed, that the compensation awarded to the appellant be enhanced.
6. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail.
7. The pleaded case of the appellants in the Claim Petition before the learned Tribunal as recorded in Para 2 of the impugned Award is as under:-

“2. Brief facts as stated by the petitioners in their claim petition are that on 18.06.2021, Renu Devi (now deceased) alongwith her husband i.e. petitioner No.1 was returning from village Banbhor after worship to her village Bichhpari on motor cycle bearing registration No. HR-80C-2575 (hereinafter referred as motor-cycle) which was being driven by petitioner No.1 whereas Renu Devi was pillion rider. At about 10.00 a.m. when they reached on Sarhera-Barwala road, suddenly a stray bull came in front of motor cycle and the motor-cycle struck into said bull. Due to this impact, Renu Devi received serious, grievous and multiple injuries on her person and the petitioner No.1 received minor injuries on his person. The injured Renu Devi was shifted to CHC Barwala where she was declared dead by the doctors. Respondent No. 1 being registered owner and respondent No.2 being insurer of the Motorcycle No. HR-80C-2575 were liable to pay the compensation to the claimants.”

8. Upon appraisal of pleadings and evidence adduced by the parties, the learned Tribunal had found that in the accident in question the offending motorcycle was involved. As the Claim Petition had been filed



under Section 163-A of the Act and amended Second Schedule of the Act had come into effect from 22.05.2018, lumpsum amount of Rs.5,00,000/- had been granted. Learned Tribunal also took note of the fact that although Section 163 of the Act stood replaced by Section 164 vide Amendment with effect from 01.09.2019, as per which Second Schedule of the Act had been omitted. However, in view of the Division Bench judgment of the Calcutta High Court in **“Urmila Halder Vs. New India Assurance Co. Ltd. & Others” 1(2019) ACC 3 (DB) (Cal.)**; judgment of this Court in **“National Insurance Company Limited through Assistant Manager Vs. Kamlesh Kumari & Others” FAO-705-2003 decided on 05.03.2020**; and judgment of Gauhati High Court in **“National Insurance Company Limited v. Bijaya Bhuyan & Others” reported in (2018) 5 GLT 72**, it had been held that the Act being a welfare legislation, the appellants be granted compensation of Rs.5,00,000/-.

9. As already recorded above, it is the admitted case of the appellants that at the time of accident, the claimant No.1 was driving the offending motorcycle. Learned Tribunal observed that the Claim Petition had been filed after Amended Act – Act 32 of 2019, as per which Second Schedule providing for lumpsum amount of compensation of Rs.5,00,000/- to be granted in case of death, stood omitted. However, learned Tribunal had relied upon amended Section 164 of the Act and held the claimants/appellants entitled to Rs.5,00,000/- as compensation. It is established position in law



that in a Claim Petition filed under Section 163-A/amended Section 164 of the Act, claimants are only entitled to Rs.5,00,000/- towards compensation.

10. It is admitted fact on record is that the deceased has died due to the injuries suffered by her due to the use of motorcycle being driven by her husband appellant No.1. Accordingly, as the Claim Petition was filed under Section 163-A now amended Section 164 of the Act, the learned Tribunal had applied the structured formula as stipulated under the said provision, as per which compensation of Rs.5 lakh is to be awarded.

11. Reference may be made to judgment of this Court in **Tata AIG General Insurance Co. Ltd. v. Jasbir Singh, (Punjab and Haryana) : Law Finder Doc ID # 2224117**; wherein it is held that:-

“Compensation under Section 163-A of Motor Vehicles Act, 1988 should strictly adhere to the structured formula stipulated under Schedule-II of the Act, including deductions for personal expenses, prescribed limits for funeral expenses, loss of estate, and consortium.

A. Motor Vehicles Act, 1988 Section 163-A Compensation payable under structured formula - Tribunal must follow Schedule-II of the Act - Deduction for personal expenses must be applied - Prescribed limits for heads like funeral expenses, loss of estate, and consortium must not be exceeded - Maximum compensation in case of death cannot exceed Rs.5,00,000/-.”

12. Reliance may be placed upon judgment of this Court in **Farrukh v. Sale Khan, (Punjab and Haryana) : Law Finder Doc ID # 2224013**, wherein while placing reliance upon judgment of the Hon’ble Supreme Court



in **Kurvan Ansari alias Kurvan Ali v. Shyam Kishore Murmu (SC) : Law Finder**

Doc ID # 1911276, it has been held that:-

“3. Learned counsel for the appellants seeks enhancement of the compensation amount on the ground that the learned Tribunal has merely awarded a lumpsum payment of Rs.1,20,000/-. It is submitted that even no multiplier has been applied and nothing has been granted under any of the conventional heads. Learned counsel relies upon judgment of Hon’ble Supreme Court in Civil Appeal No.6902 of 2021 titled as “Kurvan Ansari @ Kurvan Ali & Another v. Shyam Kishore Murmu & Another”.

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10. It is undisputed that in a petition under Section 163-A of the Act, the Scheme/structured formula as contained in Schedule-II of the Act, has to be followed, whereunder inter-alia, compensation in a death case cannot exceed Rs. 5 lacs.....”

13. In view of the above, no ground is made out to enhance the awarded compensation. Present appeal accordingly stands **dismissed** on grounds of delay as well as on merits.

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

22.12.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No