



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

112

FAO-2560-2021 (O&M)
Date of decision: 03.12.2025

Mohit Kumar (Minor)

...Appellant(s)

Vs.

Vir Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Mrigank Sharma, Advocate for the appellant.

NIDHI GUPTA, J.

CM-11342-CII-2021

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 1103 days in filing the accompanying appeal.

2. The only reason cited by learned counsel for the applicant/appellant in para 3 of the application seeking condonation of delay of 1103 days is: *"That the present appeal is being filed with a bonafide delay of 1103 days. The said delay has occurred due to the fact that the present appellant are extremely poor and uneducated and were laboring under a bonafide impression that their appeal has been filed before the Hon'ble High Court. However, it was only on 10.09.2021 while visiting the trial court upon inquiry from their trial court counsel it transpired that the said appeal could not be filed on account of lack of instructions. The documents were then*



collected and the present counsel has been engaged. However, in the process a delay of 1103 days has occurred.”

3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 1103 days in filing the present appeal.

4. It is cardinal principle of law that delay of each day has to be explained. In this regard, reference may be made to a 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, Law Finder Doc Id # 2777666**, wherein it is held that each day's delay has to be explained in a mathematical manner which has not been done by the applicant-appellant. No cogent reason or plausible explanation has been furnished by the applicant for condonation of such an inordinate and unexplained delay in filing the accompanying appeal. Moreover, condonation of such an inordinate delay would be tantamount to declaring the law of limitation obsolete/redundant, without any justification. The impugned Award is dated 8.3.2017; whereas appellant visited his trial court counsel only on 10.9.2021. Thus, for almost 2 1/2 years, appellant did not pursue the case at all. Thus, the explanation furnished by the appellant shows that the matter has been pursued with utmost casualness.

5. As such, no ground is made out for condoning inordinate delay of 1103 days. Present application accordingly stands **dismissed**.

**FAO-2560-2021 (O&M)**

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.69,200/- awarded by the learned Motor Accident Claims Tribunal, Ambala (for short “the learned Tribunal”) vide Award dated 08.03.2017 passed in MACT Case No. 65 dated 07.10.2015 filed under Section 166 of the Motor Vehicles Act.

2. Brief facts of the case are that the Id. Tribunal on the basis of evidence adduced by the parties concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 30.03.2015 at about 11:30 AM due to the rash and negligent driving of a motorcycle bearing registration No. HR-03R-8971 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 7.5% per annum. All the respondents were jointly and severally held liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that medical expenses paid by the learned Tribunal to the appellant are liable to be enhanced. Even nothing has been paid towards pain and suffering. Nothing has been awarded for loss of amenities; for loss of employment and avocation; and even nothing has been awarded for loss of earning. It is accordingly submitted that compensation of Rs.69,200/- is grossly inadequate. He accordingly prays that the present appeal be allowed; and the compensation be enhanced.



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

5. Perusal of the record of the case shows that in the accident in question, appellant had suffered fractured shaft of femur right side. It is to be noted that no doctor was produced by the appellant as witness to prove the injury of the appellant. Appellant had produced only his grandmother as PW1 and PW2 Pawan Kumar, who is the real uncle of the appellant. Admittedly, appellant has not suffered any permanent disability in the accident in question. As per the record, Appellant had been admitted in hospital on 30.03.2015 and discharged on 03.04.2015. Appellant had produced medical bills Ex.P5 to Ex.P29 for a total amount of Rs. 45,115/- which was rounded off to Rs.45,200/- which was duly awarded by the Tribunal. Accordingly, learned Tribunal had awarded the compensation in the following manner:-

Pecuniary damages (Special damages)	
(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.	Rs.45200/- (medicine bills) plus Rs.4000/- (Rs.1000/- per day) including all expenses.
(ii). Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising: (a) Loss of earning during the period of treatment; (b) Loos of future earning on account of injuries etc.	Nil Nil
(iii) Future medical expenses.	10,000/-
Non-Pecuniary damages (General damages)	
(iv) Damages for pain, suffering and trauma as a	10,000/-

consequence of the injuries	
(v) Loss of amenities (and/or loss of prospects of marriage).	nil
(vi). Loss of expectation of life (shortening of normal longevity).	nil
Total Compensation	Rs.69,200/-

6. In the above noted facts and circumstances of the case, I find no error in the compensation as computed by the learned Tribunal. The Apex Court in the case of “Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379; has held that:

“Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case.”

7. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeal is accordingly **dismissed** on merits, as well as on grounds of delay.

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

03.12.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No