



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 08.12.2025

FAO-6662-2018(O&M)

Babu Lal Sharma

...Appellant(s)

Vs.

Ram Kishore & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Mansi, Advocate for
Mr. Bhisham Kumar Majoka, Advocate
for the appellant.

Mr. Pradeep Kumar, Advocate
for respondent No.3/Insurance Company.

NIDHI GUPTA, J.CM-23145-CII-2018

This is an application under Section 5 of Limitation Act for
condonation of delay of 377 days in filing the appeal.

The reason given in the application seeking condonation of
delay of 377 days is contained in Para 2 of the application, which is as under:-

*"2. That the appellant was not well and he remained bedridden
for some time and his movements were restricted and he was
not informed by his counsel regarding the award, when the
appellant recovered he visited the office of his lawyer and on
that day he was informed by his counsel regarding the award*



and his counsel also handed over to him the copy of the award passed by the Ld. MACT, Faridabad.”

The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 377 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 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 377 days. Present application accordingly stands **dismissed**.

CM-23146-CII-2018

This is an application under Section 151 CPC for condonation of delay of 44 days in re-filing the appeal.

The only reason given for condoning such inordinate delay is in Para 3 of the application, as under: -

“3. That the paper book of the appeal was misplaced in the office by the clerk and same could not be traced. The same was traced and appeal is being filed. In this process delay of 44 days in re-filing the appeal has occurred, which is neither intentional nor deliberate. Thus, it is in the interest of justice that delay in re-filing the appeal be condoned and the appeal be ordered to be heard on merits.”

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**.

MAIN CASE

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.2,20,000/- awarded by the Motor Accident Claims Tribunal, Faridabad (hereinafter 'the learned Tribunal') vide Award dated 13.12.2016 passed in MVA Petition No.202 dated 02.12.2014 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

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 the appellant had suffered injuries in a motor vehicular accident that took place on 29.07.2014 at about 8 pm due to the rash and negligent driving of Three-Wheeler bearing registration No.HR-99TA(T)-7803 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The



compensation has been awarded along with interest of 7.5% per annum. Respondents were held liable jointly and severally liable to pay the compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that the Tribunal has awarded a meagre compensation inasmuch as in computing the compensation payable to the appellant, the Tribunal has ignored the injuries suffered by the appellant. Learned Tribunal has even awarded less amounts towards medicine, pain and suffering, special diet, etc. Nothing has been awarded by the Tribunal towards physical and mental loss as well as enjoyment of life. Even nothing has been awarded towards attendant charges. Interest is also on the lower side and the same should be 18% per annum. Learned counsel accordingly prays for enhancement of compensation.

4. Per contra, learned counsel for the respondent No.3/Insurance Company opposes the submissions advanced on behalf of the appellant 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 submissions advanced on behalf of the appellant.

6. It was the pleaded case of the appellant that in the accident in question, he had fallen down on the road and sustained 'multiple and



grievous injuries on his body'. From the evidence on record, it is clear that the appellant had suffered fracture of right femur mid shaft with open Grade III B fracture right U/3 M/3 tibia with raw area over right leg for which he was operated upon. The appellant while appearing as PW4 had deposed that he had remained admitted in Ortho Hospital, Faridabad from 29.07.2014 to 09.08.2014 and again from 09.09.2014 to 15.09.2014 and his right leg had been operated upon and that he had spent a sum of Rs.2.5 lakh on his treatment. The appellant had further deposed that prior to the accident, he was employed with M/s SNG Metal and earning Rs.15,000/- per month; however, due to the accident he had become 50% permanently disabled.

7. To support his case, the appellant had produced Dr. Pankaj Tuli PW2, who had medico-legally examined the appellant vide Report (Ex.P4). PW2 Dr. Pankaj Tuli had stated in his evidence that he had charged Rs.1,10,000/- from the appellant for his hospitalisation from 29.07.2014 to 09.08.2014 as per Bill (Ex.P5). PW2 had also proved the Discharge Summary (Ex.P6), as per which the appellant had been operated upon, and an iron rod was inserted in his right thigh along with external fixator on the right leg. PW2 also admitted that the appellant had again been hospitalised on 09.09.2014 and discharged on 15.09.2014, during which time Skin Grafting was carried out; and the appellant was charged Rs.31,332/- as per bill (Ex.P7) and second Discharge Summary (Ex.P8).



8. It has been contended on behalf of the appellant that he was 50% permanently disabled in the accident. However, no evidence to this effect has been brought by the appellant. Admittedly, no Disability Certificate has been brought on record by the appellant. Even from the above evidence, nothing has been stated by PW2 to indicate that the appellant had suffered any permanent disability.

9. The appellant had further stated that he was employed with M/s SNG Metal and earning Rs.15,000/- per month. In his evidence as PW4, the appellant had also stated that he had worked with M/s Gallay India Private Limited from 01.05.2008 to 10.07.2014 as Assistant Manager and was earning Rs.27,354/- per month. However, the appellant had failed to produce any proof of employment or income. Accordingly, the Tribunal had taken income of the appellant as Rs.8,000/- per month. In view of the injuries suffered by the appellant, the learned Tribunal had assessed loss of income for two-and-a-half months for an amount of Rs.20,000/-. Learned Tribunal had further awarded compensation in the following manner:-

Head	Amount
Costs of medicines	Rs.1,80,000/-
Pain and suffering, services of attendant and special diet	Rs.15,000/-
Transportation	Rs.5,000/-
Loss of income	Rs.20,000/-
Total	Rs.2,20,000/-

10. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellant. Nothing whatsoever has



been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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.

11. In view of the above, present appeal is **dismissed** on grounds of delay as well as on merits.

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

08.12.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No