



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 11.12.2025

FAO-4569-2024(O&M)

Karamjeet Kaur & Others

...Appellant(s)

Vs.

Sarita Devi & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Neha Dewan, Advocate
for the appellants.

NIDHI GUPTA, J.
CM-16944-CII-2024

This is an application under Section 151 CPC read with Section 5 of Limitation Act for condonation of delay of 388 days in filing the appeal.

The reason cited by the applicants/appellants for condonation of extraordinary delay of 388 days is that:-

"4. That the appellant/claimant no.1 being the only mother to take care the children including minor daughter so could not gather the required documents from the Ld. Counsel of the District Court, Patiala in time for filing of the instant appeal and thus the delay occurred in procuring the documents and to contact the present counsel. Hence, this application."

The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 388 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 388 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.20,81,420/- awarded by the Motor Accident Claims Tribunal, Patiala (hereinafter 'the learned Tribunal') vide Award dated 29.05.2023 passed in MACP Case No.286 dated 11.11.2022 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 39-year-old widow, 19-year-old daughter, 18-year-old son and 14-year-old daughter of deceased Gurpreet Singh, who was 38 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 Gurpreet Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 18.09.2022 due to the rash and negligent driving of Car bearing registration No.HR-01-AK-8139 (hereinafter referred to as "the offending vehicle") being driven by respondent No.2, owned by respondent No.1 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @



7.5% per annum. The respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.9,907/- per month as that of an unskilled labourer. It is submitted that it was the pleaded case of the appellants that deceased was Driver of a Combine by profession and having monthly income of Rs.20,000/-. It is submitted that the appellants had also produced the Driving Licence of the deceased as Ex.C12. Yet the learned Tribunal has taken income of the deceased as that of an unskilled labourer as only Rs.9,907/- per month. Further, deduction of 1/4th has been wrongly made. Consortium has been given on the lower side. Even amounts for funeral expenses and loss of estate are on the lower side. Future prospects ought to have been awarded @ 50% and interest @ 9%. Learned counsel accordingly prays that the impugned Award be modified as above.

4. No other argument is made on behalf of the appellants. 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.

5. Although it is the pleaded case of the appellants that the deceased was a professional Combine Driver, however, no evidence was adduced by the appellants to prove their said contention. Learned Tribunal has taken due note of the fact that the appellants had produced Driving



Licence of the deceased as Ex.C12. However, a perusal of the said Driving Licence shows that the same authorised the deceased to drive LMV and MCWG. Needless to say, a Combine Harvester Machine would not fall in either category of LMV or MCWG. Even no documentary evidence in the form of Income Tax Returns or Account Passbook, Bank Statement, etc. were produced by the claimants to prove the alleged income of the deceased. In this circumstance, learned Tribunal had correctly assessed notional income of the deceased under the Minimum Wages Act as that of an unskilled labourer as Rs.9,907/- per month, as the appellants were even unable to prove that the deceased was employed as a driver. I find no error in the same.

6. Age of the deceased was determined to be 38 years on the basis of his Driving Licence (Ex.C12) wherein his date of birth is mentioned as 01.01.1985. Accordingly, the learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 15. As claimants were four in number, deduction of 1/4th was correctly made. Under the conventional heads, the Tribunal has awarded Rs.16,500/- towards funeral expenses and Rs.16,500/- towards loss of estate; and Rs.44,000/- to each of the claimants towards loss of consortium; thereby awarding compensation in the following manner:-

Head	Amount
Annual income	Rs.1,18,884/-
Future prospects @ 40%	Rs.1,18,884/- + Rs.47,553/- = Rs.1,66,437/-
Deduction of 1/4 th towards personal expenses	Rs.1,66,437/- - Rs.41,609/- = Rs.1,24,828/-

Multiplier of 15	Rs.1,24,828/- x 15 = Rs.18,72,420/-
Funeral expenses	Rs.16,500/-
Loss of estate	Rs.16,500/-
Spousal consortium to claimant No.1	Rs.44,000/-
Parental consortium to claimants No.2 to 4	Rs.44,000/- x 3 = Rs.1,32,000/-
Total	Rs.20,81,420/-

7. 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.
8. In view of the above, present appeal is **dismissed** on grounds of delay as well as on merits.



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

11.12.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No