



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 15.12.2025

FAO-6210-2024(O&M)

Rani Devi & Others

...Appellant(s)

Vs.

Vikas & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Himanshu Choudhary, Advocate for
Mr. Govind Chauhan, Advocate
for the appellants.

NIDHI GUPTA, J.**CM-23330-CII-2024**

This is an application under Section 5 of Limitation Act for
condonation of delay of 166 days in filing the appeal.

The reason given in the application seeking condonation of
delay of 166 days is contained in Para 2 of the application, which is as under:-

*"2. That the applicants/appellants are poor persons and the
earning hand of the applicants died in road accident due to this
reason the applicants are unable to arrange funds to file the
appeal in this Hon'ble Court."*

The above cited reason is vague and does not constitute
sufficient cause to condone extraordinary delay of 166 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 166 days. Present application accordingly stands **dismissed**.

CM-23331-CII-2024

This is an application under Section 151 CPC for condonation of delay of 685 days in re-filing the appeal.

The only reason given for condoning such inordinate delay is:

"1. That the above appeal was filed in this Hon ble Court on 17.11.2022.

2. That however, the same was returned on after raising certain objections 16.12.2022 and due to mistake by the clerk of the counsel for the appellant the file of the present case alongwith the other files were kept in the decided cases and was not located.

3. That thereafter, on 05.12.2024 when the counsel alongwith his clerk was arranging the files then they found 4-5 appeals kept in on decided case and due to this reason the delay in re-filing the present appeal occurred, which is not intentional or delebrate but due to the above said bonafide reason."

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-6210-2024

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.17,31,000/- awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') vide Award dated 07.10.2021 passed in MACP Case No.584 dated 05.09.2019 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 39-year-old widow; 19-year-old son, 16-year-old son and 14-year-old son of deceased Joginder Singh, who was 40 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 Joginder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 02.08.2019 at about 4 pm due to the rash and negligent driving of Three Wheeler bearing registration No.HR-45C-3868 (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 aforesaid compensation has been awarded along with interest @ 6% 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 it was the clear case of the appellants before the learned Tribunal that deceased was working in a Grocery Shop and that he also used to work as a labourer; and he was earning Rs.23,000/- per month from both the avocations. However, the learned Tribunal has taken income of the deceased on the lower side as only Rs.9,000/- per month. It is further submitted that even consortium has been awarded only to claimant No.1/widow and nothing has been granted by way of consortium to the remaining claimants. It is submitted that accordingly, the appellants are entitled to compensation of Rs.80 lakh along with interest @ 24% from the date of accident till the date of realisation.

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 submissions advanced on behalf of the appellants.

5. A perusal of record of the case shows that it was the pleaded case of the appellants that deceased was working in a Grocery Shop and was also a labourer; and from both vocations, he was earning Rs.23,000/- per month. However, the appellants had failed to read any evidence whatsoever to prove the said alleged avocations and income of the deceased. The



appellants had not placed on record any Bank Account Statement or Passbook of the deceased to show credit of income of Rs.23,000/- per month. Except for self-serving statement of the claimant No.1, no other evidence was produced. As such, the learned Tribunal had correctly assessed notional income of the deceased as Rs.9,000/- per month on the basis of the Minimum Wages prevailing at the time.

6. Further, age of the deceased was proved to be 40 years on the basis of his Post-Mortem Report (Ex.P3). Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 15. As there were 4 claimants, deduction of 1/4th towards personal expenses was correctly made. Learned Tribunal has further awarded Rs.40,000/- towards consortium to claimant No.1; Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.

7. The argument of learned counsel for the appellants that consortium has been awarded only to claimant No.1, is liable to be outrightly rejected as no such ground has been pleaded or prayer has been made in the present Grounds of Appeal. The only ground on which compensation has been sought to be enhanced in the Grounds of Appeal is that interest has been awarded on lower side @ 6% per annum; and that the claimants are entitled to compensation of Rs.80 lakh along with interest @ 24%.

8. Learned Tribunal has accordingly awarded compensation to the appellants in accordance with law, in the following manner:-



Head	Amount
Monthly Income	Rs.9,000/-
Addition of 40% towards future prospects	Rs.9,000/- + Rs.3,600/- = Rs.12,600/-
Deduction of 1/4 th towards personal expenses	Rs.12,600/- - Rs.3,150/- = Rs.9,450/-
Multiplier of 15	Rs.9,450/- x 12 x 15 = Rs.17,01,000/-
Loss of consortium to claimant No.1/widow	Rs.40,000/-
Loss of estate	Rs.15,000/-
Funeral expenses	Rs.15,000/-
Total	Rs.17,71,000/-

9. 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.



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

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

15.12.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No