



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5423-2024 (O&M)

Date of decision: 29.08.2025

Mukhtiar Singh and another

...Appellant(s)

Vs.

Amit Dhillon and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sagar Bathla, Advocate
for the appellants.

NIDHI GUPTA, J.CM-20589-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 668 days in filing the accompanying appeal.

2. The only reason cited by counsel for the applicant/appellants in the application seeking condonation of delay of 668 days is *"That the applicants are layman, they do not have knowledge of law of limitation and it is only on 21.10.2024 when the applicants approached the undersigned counsel for filing the present appeal and after going through the case it come to notice of counsel that the delay of 668 days has been occurred in filing the present appeal (wrongly typed as 'revision petition') which was neither willful nor intentional but due to reasons stated above."*



3. The above said reason is vague and does not constitute sufficient ground for condonation of extraordinary and inordinate delay of 668 days.

4. Hence, the present application is dismissed.

FAO-5423-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.16,22,000/- awarded by the Id. Motor Accident Claims Tribunal, SAS Nagar (Mohali) (hereinafter “the learned Tribunal”) vide Award dated 10.10.2022 passed in MACT Case No. 174 dated 09.08.2019 filed under Section 166 of the Motor Vehicles Act, (hereinafter “the Act”). The 2 claimants are the parents of the deceased Iqbal Singh, who was 19 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Iqbal Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 11.04.2019 due to the rash and negligent driving of a Scorpio Car bearing registration No. CH-100(T)2600 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded above said compensation along with interest @ 7% per annum. All the respondents were held liable to pay the compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement by submitting that the deceased was 19 years old and was working as



housekeeping in the BSNL Office, Mohali. As such future prospects ought to have been added @ 50% and not 40% as awarded by learned Tribunal. It is further submitted that learned Tribunal is in error in making 50% deduction towards personal expenses; whereas the said deduction should have been 1/3rd. It is contended that even less compensation has been awarded under the other heads also and the same deserve to be enhanced.

4. It is accordingly prayed that present Appeal be allowed; and the compensation be enhanced in the above manner.

5. No other argument is raised on behalf of the appellants.

6. I have heard Id. Counsel and perused the case file in detail.

7. I find no merit whatsoever in the submissions made on behalf of the appellants. As noted above, it was the pleaded case of the appellants that the deceased was working in housekeeping with BSNL office in Mohali and was earning Rs.10,000/- p.m. It had also been pleaded that the deceased was *“enhancing his skill and was taking computer education classes at GRD Technical Centre.”* Perusal of the record reveals that the appellants had produced provisional Result Card of the deceased Ex.P6 for 10+2 examination; and even a copy of the Enrolment Certificate of the deceased with GRD Technical Centre, Mohali Ex.P5 to prove that deceased was getting basic computer education. However, the record establishes, and on Court query, it has also been admitted by learned counsel for the appellants that the deceased was only appointed on contractual basis as housekeeping worker in the office



of BSNL, Mohali. Although no proof of income was produced by the appellant, however, keeping in view the above facts, learned Tribunal had taken notional income of the deceased as Rs.10,000/- p.m. However, in view of the fact that the deceased was working on contractual basis, addition of 40% towards future prospects was correctly made; thereby calculating monthly income to be Rs.14,000/-p.m. (Rs.10,000+Rs.4,000). Admittedly, deceased was a bachelor at the time of accident and, therefore, deduction of 50% was correctly made towards personal expenses; thereby taking monthly income to be Rs.7,000/- p.m. (Rs.14,000-Rs.7,000). Argument of the appellants that they were dependent wholly on the income of the deceased is unsubstantiated, as appellants have been unable to prove the income or even the employment of the deceased. Moreover, keeping in view the fact that claimant No.1/father of the deceased was only 56 years old, it is unlikely that he was dependent on the deceased for his sustenance. Further, it was proved that the deceased was 19 years old at the time of accident from his Postmortem Report Ex.P9. Accordingly, multiplier of 18 has been correctly applied; thereby calculating annual dependency as Rs.15,12,000/- (7000x12x18). Learned Tribunal has further awarded a sum of Rs.40,000/- each towards loss of consortium, Rs.15,000/- for loss of estate and Rs.15,000/- for funeral expenses; thereby granting total compensation of Rs.16,22,000/- (Rs.15,12,000+15,000+15,000+40,000+40,000).



8. I find no error whatsoever in the said compensation, as awarded by the learned Tribunal as the same is in accordance with law. Hence, no ground is made out to interfere in the impugned Award dated 10.10.2022. Accordingly, the present appeal is hereby **dismissed** on merits as well as on ground of delay.

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

29.08.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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