



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-852-2020 (O&M)
Date of decision: 27.10.2025

Basat Ali

...Appellant(s)

Vs.

Dinesh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ashish Gupta, Advocate for the appellant.

NIDHI GUPTA, J.CM-1915-CII-2020

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 1569 days in filing the appeal.

2. The only reason cited by learned counsel for the applicant/appellant in the abovesaid application for condonation of 1569 days delay in filing the appeal is as under: -

"That it is relevant to mention here that the appellant is not known with the technicalities of law and he is fully dependent upon the advice of his counsel. The appellant was under the impression that there would be no remedy to file an appeal against the impugned award. It is relevant to mention here that appellant met with his counsel in last week of November, 2019 before the Ld. Tribunal at Mewat and thereafter, only he came to know that delay has occurred in filing the appeal. Accordingly, he collected all the relevant documents from the Ld. Counsel at Mewat and met with undersigned counsel on 04.12.2019



for filing an appeal before this Court. Thus the appeal is now being filed and the delay happened due to the above mentioned reasons.”

3. The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 1569 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 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.**

4. As such, no ground is made out for condoning inordinate delay of 1569 days. Present application accordingly stands **dismissed**.

FAO-852-2020 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.41,000/- awarded by the learned Motor Accident Claims Tribunal, Mewat (for short “the learned Tribunal”) vide Award dated 28.05.2015 passed in MACT Case No. 98 dated 24.10.2013 filed under Section 166 of the Motor Vehicles Act, 1988.

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 18.06.2013 due to the rash and negligent driving of a Dumper bearing registration No. HR-55Q-1274 (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%



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 in the accident in question, the appellant had sustained multiple, grievous and serious injuries on his body. It is submitted that it was fully proved on record that a special attendant has been engaged for the appellant yet, nothing has been awarded on account of attendant expenses. The appellant had been rendered permanently disabled and, therefore, he needs attendant for rest of his life to look after him. Accordingly, learned Tribunal ought to have awarded Rs.80,000/- for special attendant, which has been engaged by the appellant himself. Even transportation charges of Rs.2,000/- are on the meager side and the same should have been Rs.40,000/-. Learned Tribunal ought to have awarded Rs.50,000/- for special diet and Rs.50,000/- for follow up checkup. Only Rs.10,000/- have been awarded for pain and suffering; whereas the same should be Rs.1 lac only. Even meager amount of Rs.29,100/- has been given for medical expenses; whereas the same should be Rs.1 lac. He accordingly prays that the present appeal be allowed; and the compensation be enhanced in the above manner.

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 made on behalf of the appellant.

5. It has been submitted on behalf of the appellant that he has been permanently disabled in the accident in question, however, there is

nothing on record to substantiate the said fact. No Disability Certificate has been produced by the appellant in support of the said contention either before the learned Tribunal or before this Court. Moreover, the record reveals that in the claim petition, it had been pleaded by the appellant that in the accident in question he had “*sustained multiple injuries*”. The record does not reveal that any Doctor was produced by the appellant to prove his said alleged injuries. The appellant had only produced his treatment record Ex.P3, medical bills Ex.P4 to Ex.P11, X-Ray report Mark A and discharge summary Mark B. As per Ex.P4 to Ex.P11, appellant had spent Rs.29,100/- towards medical treatment. Accordingly, Tribunal had awarded the compensation in the following manner:

Sr. No.	Pecuniary damages	In Rupees
1.	Medical expenses (approx.)	29,100/-
2.	Transportation charges (approx.)	2,000/-
3.	Attendant charges	Nil
4.	Diet and Nutrition	Nil
5.	Loss of income	Nil
	Non-Pecuniary damages	
6.	Pain and suffering	10,000/-
7.	Loss of amenities of life	Nil
8.	Loss of Future Prospects of Disability (disability 50% to a particular body part not for the whole body)	Nil
9.	Loss of prospects of marriage	Nil
	Total	Rs.41,100/- or to say Rs.41,000/-

6. 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 Vs. Jasbir Kaur” Law Finder Doc ID # 64043** and **“Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another” (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.

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.

27.10.2025

(NIDHI GUPTA)

Divyanshi

JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No