

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****123****FAO-5837-2024 (O&M)****Date of decision: 20.11.2025****Summi Devi @ Somi Devi and another
Vs.****...Appellant(s)****Ramesh Chand @ Harman Kumar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Sherry Singla, Advocate for
the appellants.***********NIDHI GUPTA, J.****CM-22249-CII-2024**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 837 days in filing the appeal.

2. Perusal of the application shows that no sufficient cause is made out for condonation of extraordinary and inordinate delay of 837 days. It has been submitted by learned counsel for the applicants that the delay has been occasioned on account of the fact that the appellants were unaware of the technicalities of law and were unable to file the appeal within stipulated time. However, the said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 837 days in filing the present appeal.

3. It is cardinal principle of law that delay of each day has to be explained. In this regard, reliance may be placed upon recent judgment of the Hon'ble Supreme Court in **Shivamma (Dead) by LRs Vs. Karnataka**



Housing Board and others, 2025 INSC 1104 decided on 12.09.2025, Law Finder Doc Id # 2777666, wherein it is held that each day's delay has to be explained in a mathematical manner which has not been done by the applicant-appellants. No cogent reason or plausible explanation has been furnished by the applicants for condonation of such an inordinate and unexplained delay in filing the accompanying appeal. Moreover, condonation of such an inordinate delay would tantamount to declaring the law of limitation obsolete/redundant, without any justification.

4. As such, no ground is made out for condoning inordinate delay of 837 days. Present application accordingly stands **dismissed**.

FAO-5837-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.9,47,000/- awarded by the learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as "the learned Tribunal") vide Award dated 18.05.2022 passed in MACP Case No. 494 dated 18.12.2018 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The two claimants are the widow; and minor daughter of the deceased Bhinder Singh, who was 25 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Bhinder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 26.07.1999 due to the rash and negligent driving of a Bus bearing registration No.PB-23-A-9925



(hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2, 3 and 4; and insured by respondent No.5. The Tribunal awarded the above said compensation along with interest @ 6% per annum. Respondent No.5/Insurance Company was held liable to pay the said compensation.

3. It is *inter alia* submitted by learned counsel for the appellants that learned Tribunal has taken income of the deceased on the lower side as only Rs.4,500/- p.m.; whereas appellants had proved on record that the deceased was earning Rs.9,000/-p.m. It is further submitted that nothing has been awarded on account of future prospects; as stated in para 5 of the present Grounds of Appeal, which reads as follows:-

“That the Ld. MACT has also failed to consider that the deceased is only 25 years of age at the time of his death and therefore, the appellants cannot be denied the future prospect on account of the fact that the deceased is assuming to be a laborer. Thus, the compensation is liable to be enhanced.”

4. Learned counsel for the appellants accordingly prays for modification of impugned Award, and enhancement of compensation.

5. No other argument is raised on behalf of the appellants. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

6. Admittedly, the accident in the present case, had taken place on 26.07.1999; Accordingly, I find no error in the income of Rs.4,500/-p.m.



as assessed by learned Tribunal as would be admissible to the deceased in the year 1999. Moreover, appellants have produced nothing on record to prove that deceased was earning ₹9000/- per month. It has further been contended in para 5 of Grounds of Appeal that nothing has been awarded by way of future prospects. The said contention of the appellants is factually incorrect; as Tribunal has calculated the compensation as follows:-

Sr. No.	Heads	Amounts
1.	Annual income 4500 x 12 After adding future prospects @40%	Rs.54,000/- Rs.21,600/- =Rs.75,600/-
2.	Less deduction of 1/3	Rs.25,200/-
3.	Dependency	Rs.50,400/-
4.	Multiplier	18
5.	Loss of dependence	Rs.9,07,200/-
6.	Medical expenses	---
7.	Loss of consortium	Rs.20,000/- (being Rs.10,000/- each)
8.	Loss to estate	Rs.10,000/-
9.	Funeral expenses	Rs.10,000/-
	Total	Rs.9,47,000/-

7. As there were two claimants, deduction of 1/3rd has been correctly made. It is the own case of the appellant that deceased was 25 years old at time of accident. Therefore, multiplier of 18 has also been correctly applied. The amounts awarded under the conventional heads, are as per the rates of the year 1999. Moreover, it cannot be lost sight that even against the impugned Award, claimants/appellants have filed the present Appeal with delay of 837 days.



8.

Clearly therefore, 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.
9.

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

20.11.2025

(NIDHI GUPTA)

Divyanshi

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No