IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1459-2023(O&M)
Date of decision: 07.05.2026

Paramjeet Kaur & Others

...Appellant(s)

Vs.

Jaswant Singh & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vivek Suri, Advocate
Mr. Dushyant Godara, Advocate
Ms. Kritika Sharma, Advocate
Ms. Swati Bansal, Advocate
for the appellants.

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NIDHI GUPTA, J.

CM-5537-CII-2023

This is an application under Section 173 of the Motor Vehicles Act read with Section 5 of Limitation Act for condonation of delay of 212 days in filing the appeal.

It is mentioned in Para 2 of the present application that:-

"2. That in the above noted case though the award was passed on 25.08.2021 and the appellants misunderstood the fact that the period of limitation is 90 days from the day, they receive the amount of compensation. In the facts and circumstances of the present case though the award was passed on 25.08.2021 but the payment has been deposited by the respondent no. 3-Insurance Company and the same has been credited in the

account in the month of February, 2023 and after the receipt of the payment when they contacted the undersigned counsel the appeal had become barred by limitation by 212 days and the appellants were apprised that the period of limitation was 90 days from the passing of the award. It is pertinent to mention here that the appellant no. 1 is quite young and the appellants no. 2 & 3 are in tender age and there is no one to guide them, as such they could not get proper assistance and thus the delay has occurred in filing of the appeal."

The above cited reason does not constitute sufficient cause to condone extraordinary delay of 212 days in filing the present appeal. As such, the sole reason cited by the appellant is not sufficient ground to condone delay of 212 days in filing the appeal. It is cardinal principle of law that delay of each day has to be explained. Reference is made to a 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 212 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.13,78,058/- awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter 'the learned Tribunal') vide Award dated 25.08.2021 passed in MACP-21-2018 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The three claimants are the widow and two minor children of deceased Chandan Kumar @ Bittu, who was 32 years old at the time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Chandan Kumar @ Bittu had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.04.2015 at about 9:30 pm due to the rash and negligent driving of Truck bearing registration No.HR-37-C-0938 (hereinafter "the offending vehicle") being driven and owned by respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest @ 6% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side. Interest should be awarded @ 7.5% per annum. It is accordingly prayed that the present appeal be allowed and impugned Award be modified.

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. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was doing private job at a Container Depot at Ludhiana and earning Rs.15,000/- per month. It was further pleaded that the deceased was also owner of agricultural land and was having agricultural income. However, a perusal of the record of the case shows that the appellants had failed to adduce any documentary evidence whatsoever to prove their above-said assertions. The appellants were unable to prove that deceased was in private job. No documentary evidence was adduced to prove that deceased was owner of agricultural land. No doubt the appellants had produced photocopy of Jamabandi for the years 2008-09 (Mark A), 2008-09 (Mark B) and 2015-16 (Mark C). However, the same were not sufficient to prove that deceased was owner of agricultural land. Accordingly, the claimants themselves had submitted before the Tribunal that income of the deceased should be taken as that of a labourer as Rs.300/- per month. Accordingly, the learned Tribunal had taken income of the deceased as Rs.6853/- per month on the basis of relevant Minimum Wage Notification applicable in State of Punjab.

6. Age of deceased was determined to be 32 years on the basis of his Post-Mortem Report (Ex.P2). Accordingly, the learned Tribunal had correctly made addition of 40% towards future prospects; and correctly applied multiplier of 16. As there were three claimants, deduction of 1/3rd was correctly made. Under the conventional heads, the learned Tribunal has

awarded Rs.15,000/- towards loss of estate; Rs.40,000/- as consortium to claimant No.1; Rs.40,000/- each towards filial consortium; and Rs.15,000/- towards funeral expenses; thereby awarding total compensation of ₹13,78,058/-.

7. In view of the above, no ground is made out for enhancement of compensation. The above compensation granted to the appellants is just and fair, and in accordance with law. The present appeal, accordingly, stands **dismissed** on grounds of delay as well as on merits.

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

07.05.2026 **(Nidhi Gupta)**
Sunena **Judge**

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