



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-876-2024 (O&M)
Date of decision: 17.02.2026

Kulwinder Kaur

...Appellant(s)

Vs.

Manpreet Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kulbir Singh Saini, Advocate for the appellant.

NIDHI GUPTA, J.**CM-3386-CII-2024**

Prayer in this application filed under 5 of the Limitation Act is for condonation of delay of 303 days in filing the appeal.

2. The only reason cited by learned counsel for the applicant/appellant in the abovesaid application for condonation of 303 days delay in filing the appeal is as under:-

"4. That the appellant belongs to poor family as husband of the appellant is a security guard and the appellant due to the multiple injuries has undergone multiple surgeries has become financially very weak and the amount of compensation awarded by tribunal has not been paid to the appellant till November 2023 and only after the receipt of compensation the present counsel has been engaged to file present appeal and delay in filing the appeal is due to the compelled circumstances, which is not intentional."



3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 303 days in filing the present appeal.

4. It is cardinal principle of law that delay of each day has to be explained. In this regard, reference may be made to a 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, 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-appellant. No cogent reason or plausible explanation has been furnished by the applicant for condonation of such an inordinate and unexplained delay in filing the accompanying appeal. Moreover, condonation of such an inordinate delay would be tantamount to declaring the law of limitation obsolete/redundant, without any justification.

5. As such, no ground is made out for condoning inordinate delay of 303 days. Present application accordingly stands **dismissed**.

FAO-876-2024 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.10,05,512/- awarded by the learned Motor Accident Claims Tribunal, Rupnagar (for short "the learned Tribunal") vide Award dated 05.01.2023 passed in Claim Petition No. 101 dated 06.05.2021 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 08.03.2021 due to the rash and negligent driving of a Truck bearing registration No. PB-13-AR-7085 (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 @ 6% 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, appellant has been rendered physically disabled. It is submitted that while granting meager compensation of only Rs.10,05,512/-, learned Tribunal has failed to take into consideration that appellant has already been operated thrice and is likely to undergo more surgeries. It is submitted that in this regard, learned Tribunal has totally disregarded Ex.P162/A which is statement of opinion dated 05.07.2022 made by Dr. Rishi Dhawan, who attested to the fact that appellant has undergone 3 surgeries; that she may require one or two surgeries; that she will require attendant services also during surgeries; and may also require special footwear. It is submitted that the appellant is a married lady and has a responsibility of entire household work. However, due to injuries suffered by the appellant, she is not in a position to perform her duties as efficiently as she was doing before the accident. Despite that, learned Tribunal has awarded nothing for attendant, special diet and loss of future income.



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

5. 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.

6. Perusal of the record of the case shows that in the Claim Petition, it was the pleaded case of the appellant that in the accident in question she had "*Received multiple grievous injuries on left thigh, right ankle and other parts of the body.*" Appellant had further pleaded that she was first taken to Civil Hospital, Rupnagar; whereafter she was referred to PGI Chandigarh. However due to Covid-19, she was thereafter, taken to Max Hospital, Mohali, where she remained admitted for 12 days. Although appellant had placed on record Ex.P162/A, which is the opinion given by Dr. Rishi Dhawan, Max Healthcare Hospital, however, no credence can be afforded to the said document as admittedly, appellant has failed to examine any Doctor to prove the said document. Appellant has also failed to examine any doctor to prove her alleged injuries or surgeries. On the contrary, the appellant while appearing as PW1 has admitted that she has not led any evidence regarding any disability suffered by her in the accident. Appellant has also admitted that she has no disability certificate and that she has not even applied for the disability certificate till the time of passing of the Award.

7. Appellant has however, placed on record the medical bills Ex.P1 to Ex.P135, Ex.P149 to Ex.P161, Ex.P163 to Ex.P173 for total amount

of Rs.9,15,212/-; which has been duly reimbursed to the appellant by the Tribunal on account of medicines/medical treatment. The claimant has also placed on record transportation bills Ex.P136 to Ex.P148 for Rs.40,000/-; which was also granted to her by the Tribunal. The claimant was also awarded Rs.50,000/- on account of pain and sufferings.

8. Keeping in view all the above said factors, learned Tribunal had awarded compensation in the following manner:-

Sr. No.	Particular of Heads	Amount
1.	Medical expenses	Rs.9,15,212/-
2.	Transportation expenses	Rs.40,000/-
3.	Pain and suffering	Rs.50,000/-
	Total	Rs.10,05,212/-

9. 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.

10. Keeping in view the entirety of the above noted facts, the present Appeal is hereby **dismissed** on merits, as well as on grounds of delay.
11. Pending application(s) if any also stand(s) disposed of.

17.02.2026

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No