

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****FAO-2458-2023(O&M)****Date of decision: 27.01.2026****Kamlesh Ishwar Dhilodh & Another****...Appellant(s)****Vs.****Parmod Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Jasdev Singh Thind, Advocate
for the appellants.

Mr. Aseem Aggarwal, Advocate
for respondent No.3.

NIDHI GUPTA, J.
CM-8747-CII-2023

This is an application under Section 5 of Limitation Act for
condonation of delay of 235 days in filing the appeal.

The only reason cited in the application for not filing the present
appeal within limitation is in Para 2, which reads as follows:-

*"2. That although the order was pronounced by the Ld. MACT,
Hissar, on 02.04.2022 and the counsel for the appellant informed
him but at that relevant time appellant family time to time
suffered with covid 19 and remained under precautionary
medication and treatment. Now, getting revealed from same,
appellants approached the counsel for filling appeal. So, he
could not file the appeal well within time on account of*



ignorance of law and paucity of finds. Hence now the petitioner is filling the present appeal without any further delay.”

The said averments of the applicant/appellant are vague and general, and do not constitute sufficient cause for condonation of inordinate and extraordinary delay of 235 days in filing the present appeal. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.15,42,280/- awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter ‘the learned Tribunal’) vide Award dated 02.04.2022 passed in MACP Petition No.452 dated 16.12.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The two claimants are the 45-year-old mother and 48-year-old father of deceased Mandeep, who was 21 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Mandeep had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.09.2020 due to the rash and negligent driving of Haryana Roadways Bus bearing registration No.HR-67A-8869 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 6%



per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation on the ground that as there were two claimants, deduction of 50% could not have been made and the same should have been 1/3rd. Nothing has been granted for medical treatment and expenditure. Future prospects ought to have been added @ 50%. Interest should have been awarded @ 24%. Nothing has been awarded by way of transportation and mental agony and pain and suffering to the claimants. It is accordingly prayed that the impugned compensation be enhanced.

4. Per contra, learned counsel for the respondent No.3/Insurance Company opposes the submissions advanced on behalf of the appellants and submit that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

5. No other argument is made on behalf of the parties. 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.

6. It was the pleaded case of the claimants before the learned Tribunal that the deceased was a self-employed labourer at the time of accident and earning Rs.20,000/- per month. However, the appellants were unable to prove income or avocation of the deceased as alleged. Accordingly, the learned Tribunal had assessed notional income of the



deceased as Rs.9319.12/- per month rounded off to Rs.9400/- per month as that of an unskilled labourer, on the basis of relevant Minimum Wage Notification dated 30.09.2020 issued by the Government of Haryana.

7. Age of the deceased was determined to be 21 years at the time of accident on the basis of his Post-Mortem Report (Ex.P4). Accordingly, the Tribunal had made an addition of 40% towards future prospects. Learned Tribunal applied multiplier of 18. As deceased was a Bachelor at the time of accident, deduction of 50% towards personal expenses was correctly made. Under the conventional heads, learned Tribunal has awarded Rs.16,500/- towards transportation and funeral expenses; Rs.16,500/- towards loss of estate; and Rs.44,000/- each towards filial consortium; thereby granting total compensation of Rs.15,42,280/-, in the following manner:-

Head	Amount
Loss of dependency	Rs.14,21,280/-
Transportation and last rites	Rs.16,500/-
Compensation on account of loss of estate	Rs.16,500/-
Compensation on account of consortium	Rs.88,000/-
Total	Rs.15,42,280/-

8. From the above, it is clear that in the facts and circumstances of the case, a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. 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 & Another Vs. Jasbir Kaur & Others**' Law Finder Doc ID # 64043 and '**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty**', (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. In the case of "**General Manager, KSRTC Vs. Susamma Thomas & Others**" 1994 Volume-II SCC 176, the Hon'ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

9. Thus, the present appeal accordingly stands **dismissed** on grounds of delay as well as on merits.

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

27.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No