

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

110

FAO-2311-2020 (O&M)
Date of decision: 13.03.2026

Kamod Devi and another

...Appellant(s)

Vs.

Jaivaid Ahmed and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vishnu Dutt, Advocate for
Mr. Naveen Bawa, Advocate
for the appellants.

Mr. Sachin Gupta, Advocate
for respondent No.2.

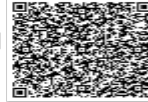
NIDHI GUPTA, J.

CM-6488-CII-2020

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 966 days in filing the accompanying appeal.

2. The only reason cited by learned counsel for the applicant/appellants in the abovesaid application for condonation of 966 days delay in filing the appeal is as under:-

"2. That the appellants/claimants are very poor persons and were not having financial capacity to pursue the claim petition further for the enhancement of the compensation award and were also not aware about the legal technicalities of law and were also under the shock due to the death of the deceased Rakesh Kumar."



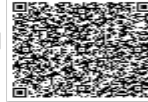
3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 966 days in filing the present appeal.

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-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 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 966 days. Present application accordingly stands **dismissed**.

FAO-2311-2020 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,59,000/- awarded by the learned Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as "the learned Tribunal") vide Award dated 06.04.2017 passed in MACP Case No. 1 dated 26.04.2016 filed under Section 166 of the Motor Vehicles Act,

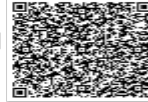


(hereinafter referred to as “the Act”). The 2 claimants are the parents of the deceased Rakesh Kumar, who was 22 years old at the time of accident.

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- Rakesh Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 14.12.2015 due to the rash and negligent driving of a Truck bearing registration No. JK-03-D-7001 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1; and insured by respondent No.2. The above said compensation was awarded along with interest @ 7.5% per annum. All the respondents were held liable to pay the amount of compensation. However, recovery rights were granted to respondent No.2 to recover the compensation from respondent No.1.

3. Vakalatnama filed on behalf of respondent No.2 in Court today is taken on record.

4. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been assessed on the lower side as only Rs.7,000/- p.m. It is submitted that deceased was working as a Private Salesman and was earning Rs.30,000/- p.m. Moreover, transportation expenses have not been awarded. Nothing has been awarded towards medical expenses, loss of income and loss of estate. Even compensation under the conventional heads i.e. funeral expenses, consortium, and loss of love and affection are also on the lower side. Interest is also only 7.5% p.a., whereas the same ought to have been 12% p.a.



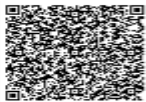
5. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced.

6. *Per contra*, learned counsel for respondent No.2 opposes submissions made on behalf of the appellant and submits that the impugned Award suffers from no infirmity as the compensation awarded to the appellant is just and fair. Hence, the present appeal deserves to be dismissed.

7. No other argument is raised on behalf of learned counsel for the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the appellants.

8. Perusal of the record of the case shows that the case of the appellant before the learned Tribunal was that prior to the accident, deceased was working as a Salesman and was earning Rs.30,000/- p.m. However, record of the case shows that no evidence whatsoever was produced by the appellants to prove the above said contention. Accordingly, learned Tribunal had assessed income of the deceased as Rs.7,000/- p.m. on the basis of relevant minimum wages prevalent at that time.

9. Further, the age of the deceased was determined to be 22 years old at the time of accident on the basis of the pleadings. Accordingly, future prospects were to be added @ 40%. However, learned Tribunal has made addition of 50% towards future prospects. Keeping in view the age of the deceased, multiplier of 18 has been correctly applied. As deceased was bachelor at the time of accident, deduction of 50% has been correctly made.



Under the conventional heads, learned Tribunal has awarded Rs. 25,000/- towards funeral expenses and Rs.1,00,000/- towards loss of love and affection. As per the structured formula laid down by the Hon’ble Supreme Court, amount of Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate; and Rs.40,000/- each, ought to have been awarded under the conventional heads for a total of Rs.1,10,000/-. Whereas amount of Rs.1,25,000/- has been granted under conventional heads to the appellants. Thus, the appellant have already been granted compensation in excess of what is payable to them as per the law as: future prospects have been added @ 50% instead of 40%; and an excess amount of ₹15,000/- has been awarded under the conventional heads.

10. Accordingly, no ground is made out for enhancement of compensation. The present Appeal stands **dismissed**.
11. Pending application(s), if any, also stand(s) disposed of.

13.03.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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