

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****FAO-2694-2020(O&M)****Date of decision: 02.04.2026****Mamta Rani****...Appellant(s)****Vs.****Bachittar Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mrs. Kiran Bala Jain, Advocate
for the appellant.***********NIDHI GUPTA, J.****CM-7007-CII-2020**

This is an application under Section 5 of Limitation Act read with Section 151 CPC for condonation of delay of 6825 days in filing the appeal.

It is inter alia submitted by learned counsel for the applicant/appellant that in respect of the accident dated 12.01.1998, two Claim Petitions bearing No.126 filed by the applicant/appellant and Claim Petition No.127 dated 17.03.1998 had been filed. Both the above-said Claim Petitions were allowed by the MACT Ambala vide impugned Award dated 13.06.2001. It is submitted that the appellant being an illiterate lady was under the genuine impression that no separate appeal is required to be filed by the applicant/appellant in MACT Case No.126 of 1998. Accordingly, the appellant had not filed the present appeal. It is for this reason that delay of 6825 days has occurred in filing the present appeal.



Heard.

I find no merit in the submissions made on behalf of the applicant/appellant as there is an inherent contradiction in the statement made on behalf of the applicant. The only reason given for the delay of 6825 days is that the applicant was not aware that she was required to file a separate appeal against the Award dated 13.06.2001. However, learned counsel for the applicant/appellant is unable to reply that if that was so, why did the applicant file a separate Claim Petition No.126 of 1999 in respect of the accident dated 12.01.1998. No explanation to this effect has been given.

Thus, the above cited reason does not constitute sufficient cause to condone extraordinary delay of 6825 days in filing the present appeal. It is cardinal principle of law that delay of each day has to be explained. In this regard, reliance may also be placed upon 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 6825 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimant seeking enhancement of compensation of Rs.1,42,000/- awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter 'the learned Tribunal') vide Award dated 13.06.2001 passed in MACT Case No.126 dated 17.03.1998



filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter “the Act”). The 2 claimants are the 24-year-old son and 29-year-old daughter of deceased Sheela, who was 50 years old at the time of accident. Present appeal has only been filed by claimant No.2.

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 the deceased Sheela had died due to the injuries suffered by her in a motor vehicular accident that took place on 12.01.1998 at about 9:30 pm due to the rash and negligent driving of Truck bearing registration No.OR-14-B-2969 (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 @ 9% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that deceased was 50 years old at the time of accident. As such, the learned Tribunal ought to have applied multiplier of 13. Income has been taken on the lower side as only Rs.1500/- per month. Future prospects of 25% ought to have been granted. Deduction of 1/4th ought to have been made. Amounts awarded under the conventional heads are on the lower side. It is accordingly prayed that the present appeal be allowed and impugned Award be modified as above.



4. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

5. The appellant before this Court is the 46-year-old married daughter of deceased Sheela. Thus, the appellant being married daughter of the deceased was not entitled to compensation in view of judgment of the Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc ID # 2729764**; wherein it is held that married daughter of the deceased is not entitled to compensation, unless financial dependency is proved. In any event, in view of the above admitted facts and undisputed legal position, appellant is definitely not entitled to enhancement of compensation.

6. A perusal of record of the case shows that no ground is made out to enhance the compensation amount as age of the deceased was determined to be 50 years on the basis of her Post-Mortem Report (Ex.P2). It was the pleaded case of the claimants before the learned Tribunal that prior to the accident, the deceased was doing household work in other houses and was earning Rs.2000/- per month. However, no evidence to this effect was brought on record by the claimants. Accordingly, the learned Tribunal had taken income of the deceased as that of a labourer as Rs.1500/- per month, as remuneration towards services rendered by the deceased at home. I find no error in the same.



7. As the claimants were the major children of the deceased, deduction of 50% ought to have been made. However, the learned Tribunal has made a deduction of 1/3rd towards personal expenses. Further, as per the law prevailing at the time, the learned Tribunal has applied multiplier of 11 and awarded an amount of Rs.10,000/- towards last rites; thereby granting total compensation of Rs.1,42,000/-.

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. 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 & 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. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings. Thus, no ground whatsoever is made out for enhancement of compensation.

10. In view of the above, present appeal stands **dismissed** on grounds of delay as well as on merits.

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

02.04.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No