



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1988-2024 (O&M)
Date of decision: 17.02.2026

Sachin Gupta

...Appellant(s)

Vs.

Kuldeep Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Dhiraj Jindal, Advocate for the appellant.

NIDHI GUPTA, J.CM-7604-CII-2024

Prayer in this application filed under Section 173 of the Motor Vehicles Act read with Section 5 of the Limitation Act and S. 151 of the Code of Civil Procedure is for condonation of delay of 415 days in filing the appeal.

2. The only reason cited by learned counsel for the applicant/appellant in the abovesaid application for condonation of 415 days delay in filing the appeal is as under:-

"2. That the delay of 415 days in filing the present appeal occurred on account of the fact that appellant is poor person and he was the only earning member of family. Appellant was left with no money for the purpose of filing the present appeal before this Hon'ble Court. Moreover the appellant has suffered injury and is disabled person and due to disability was unable to engage any counsel. The amount awarded by Ld. Motor Accident Claims Tribunal is not sufficient for the applicant/appellant as he is not able to earn due to his



permanent disability. And in the present appeal due to the said permanent disability of the applicant he was not able to file an appeal earlier.”

3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 415 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 415 days. Present application accordingly stands **dismissed**.

FAO-1988-2024 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.3,67,790/- awarded by the learned Motor Accident Claims Tribunal, Sangrur (for short “the learned



Tribunal”) vide Award dated 01.12.2022 passed in MACP Case No. 167 dated 07.08.2018 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 23.06.2015 due to the rash and negligent driving of a Car bearing registration No. HR-23F-1212 (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 @ 9% per annum. Liability to pay compensation was fixed upon respondent No.2 with right to recovery from respondent No.2.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that while granting the impugned compensation, learned Tribunal had failed to take into account that in the accident in question, the appellant has been rendered 10% permanently disabled. Appellant had duly proven his disability by way of Disability Certificate. It is submitted that prior to the accident, appellant was a Civil Engineer and was doing his work with M/s. Ram Kumar Contractor and earning Rs.30,000/- per month. However, due to his disability, appellant is incapable to do his work and is bedridden for so many months and also he had been released from his job on the ground of his absence; and now it is very difficult to find a new job. Yet, nothing has been awarded to the appellant towards loss of earning. Even income of the appellant has been assessed incorrectly. Even the amounts awarded for attendant charges,



transportation and special diet et cetera need to be enhanced. Nothing has been awarded to the appellant towards loss of expectation of life or towards marriage prospects.

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. The record reveals that the pleaded case of the appellant in the Claim Petition was that in the accident, appellant had *"Got multiple injuries on his back, leg, knee, face and chest."* As per the evidence of CW-2, Jaspal Singh, Billing Head at Sarvodaya Multi Speciality and Cancer Hospital, Hisar, appellant had remained admitted at the said hospital from 23.06.2015 till 01.07.2015. CW2 has also proved the bills Ex.C1 to Ex.C13 for a total amount of Rs.1,17,340/- (Rs.1,08,000 + Rs.9,340). Appellant had further produced original medical bills Ex.C21 to Ex.C34 for an amount of Rs.50,450/-. Learned Tribunal had accordingly granted total amount of Rs.1,67,790/- (Rs.1,08,000 + Rs.9,340 + Rs.50,450).

7. As per the Disability Certificate Ex.C18 dated 02.12.2015, appellant has suffered 10% disability. However in the said Disability Certificate, it is recorded that the said 10% disability is regarding '*pain and difficulty in bending*'. It is further observed in the said Disability Certificate that the condition of the appellant is likely to improve and that reassessment should be made in a period of 6 months. However, appellant



has admittedly failed to bring on record any reassessment report. On a Court query, learned counsel for the appellant has admitted that no reassessment has been done.

8. Further the pleaded case of the appellant was that the appellant was Civil Engineer and working with M/s. Ram Kumar Contractor and earning Rs.30,000/- per month. However, appellant had failed to bring on record any evidence in this regard. Appellant had also failed to produce his engineering degree to prove his claim that he was Civil Engineer. No proof of employment or income was produced. In these circumstances, learned Tribunal has correctly taken income of the appellant as Rs.7,500/- per month as that of a labourer; and had granted Rs.90,000/- as loss of income for one year from the date of accident.

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

Sr. No.	Particular of Heads	Amount
1.	Medical expenses (i.e. bills Ex.C1, ex.C2 to Ex.C13 and Ex.C21 to Ex.C34)	Rs.1,67,790/-
2.	Loss of income	Rs.90,000/-
3.	Pain & suffering	Rs.50,000/-
4.	Travelling expenses	Rs.20,000/-
5.	Special diet	Rs.20,000/-
6.	Expenses for attendant	Rs.20,000/-
	Total	Rs.3,67,790/-

10. From the above facts, it is clear that in the fact and circumstances of the case, 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.

11. Before parting, it may also be pointed out that in respect of the accident in question, an FIR No. 58 dated 23.06.2015 under Sections 304-A/279/427 IPC at Police Station, Lehra was registered against respondent No.1 Kuldeep Singh. In the criminal trial, appellant had appeared a PW7 and had deposed in his examination-in-chief that respondent No.1 was driving the offending vehicle. However, thereafter the appellant had failed to appear before the learned Trial Court and was not cross-examined. Therefore, the evidence led by the appellant could not be read into the case. Resultantly, respondent No.1 came to be acquitted by the learned Judicial Magistrate 1st Class, Moonak vide judgment dated 17.01.2023.

12. 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.



13. 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