



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-2043-2024(O&M)

Date of decision: 09.04.2026

Rasmeena & Others

...Appellant(s)

Vs.

Chatta Khan & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gurpreet Singh, Advocate
for the appellants.

NIDHI GUPTA, J.CM-7771-CII-2024

This is an application under Section 5 of Limitation Act for condonation of delay of 118 days in filing the appeal.

It is mentioned in Para 2 of the present application that:-

"2. That the appellants is unable to file the present appeal within time due to the financial conditions of the family and the deceased was the only earning member of the family and after his death they arrange the funds for filling the appeal from there near and dears and now filing the present appeal before this Hon'ble Court without any further delay. Therefore, in this process a delay of 118 days has occurred, which is neither intentional nor deliberate but due to the reasons mentioned above."

The above cited reason does not constitute sufficient cause to condone extraordinary delay of 118 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 118 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.6,76,420/- awarded by the Motor Accident Claims Tribunal, Palwal (hereinafter 'the learned Tribunal') vide Award dated 05.10.2023 passed in MACP/73 dated 15.02.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 8 claimants are the 52-year-old widow, 31-year-old son, 15-year-old son, 14-year-old daughter, 13-year-old daughter, 11-year-old son, 9-year-old son and 6-year-old son of deceased Iqbal, who was 63 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 the deceased Iqbal had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.09.2019 at about 6:30 to 7 pm due to the rash and negligent driving of Mahindra Bolero bearing registration No.RJ-32-UA-2576 (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.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been wrongly assessed as per Minimum Wages as Rs.9024/- per month. It is submitted that at the relevant time, Minimum Wages payable was Rs.11,004/- per month. It is further submitted that nothing has been awarded towards love and affection. Very less amount has been awarded towards funeral expenses; whereas the appellants had spent Rs.1 lakh on transportation and last rites. 6% interest is on the lower side; whereas 9% should be awarded. It is accordingly prayed that the present Claim Petition be allowed and Rs.40 lakh be awarded to the appellants as compensation.

4. No other argument is made on behalf of the appellants. 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.

5. It is the pleaded case of the appellants that deceased was running a Grocery Shop and earning Rs.30,000/- per month. However, not a smidgen of evidence has been adduced by the appellants to prove their said contention. It has been contended on behalf of the appellants that as per the relevant Minimum Wage Notification, income ought to have been taken as



Rs.11,004/- per month. However, no such Notification has been produced by the appellants. Thus, I find no error in the income of Rs.9024/- per month as assessed by the learned Tribunal on the basis of the Minimum Wages prevailing in the year 2019. Further, in Para 19 of the impugned Award, learned Tribunal has recorded that *"It is admitted by learned counsel for the petitioners that Rs.9024/- was minimum wages prevalent in the year 2019."*

6. Further, age of the deceased was determined to be 63 years at the time of accident. It may be pointed out that the deceased was shown to be 60 years old as per the Medical Record/Post-Mortem Report; 63 years of age as per the Copy of Aadhaar Card; 68 years as per the testimony of PW3 Ezaz Khan/claimant No.2/son of the deceased; and 80 years as per the testimony of PW2/claimant No.1/widow of the deceased. Accordingly, by reconciling all of the above evidence, the learned Tribunal had determined age of the deceased to be 63 years as per the Date of Birth of the deceased as mentioned in Aadhaar Card. I find no error in the same.

7. In view of the fact that deceased was more than 60 years old, future prospects were not liable to be added. Multiplier of 7 has been correctly applied. Learned Tribunal has further made a deduction of 1/5th towards personal expenses. Under the conventional heads, the learned Tribunal has awarded Rs.70,000/- towards loss of estate, loss of consortium and funeral expenses; thereby granting total compensation of Rs.6,76,420/- in the following manner:-



Head	Amount
Income	Rs.9024/- per month
Annual dependency	Rs.1,08,288/- (Rs.9024// - x 12)
Multiplier (7)	Rs.7,58,016/-
1/5 th deduction towards personal expenses	Rs.6,06,413/-
Compensation comes to	Rs.6,06,413/-
Loss of estate, loss of consortium, funeral expenses	Rs.70,000/-
Amount of compensation	Rs.6,76,413/-
Rounded off	Rs.6,76,420/-

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

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

09.04.2026
Sunena

(Nidhi Gupta)
Judge

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