



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

134

FAO-5614-2025(O&M)

Date of decision: 17.02.2026

Phata & Others

...Appellant(s)

Vs.

Naresh Sharma & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Deepak Grover, Advocate
for the appellants.

NIDHI GUPTA, J.CM-19399-CII-2025

This is an application under Section 151 CPC for condonation of delay of 126 days in re-filing the appeal.

The only reason given for condoning such inordinate delay is:

"2. That the registry raised certain objections in said appeal on 29.03.2025. It is pertinent to mention that the clerk of the undersigned Counsel after collecting the paper book from objection branch kept in another case's brief lying in the office of undersigned counsel. Thereafter, the paper book due to mistake of clerk was misplaced in the office. On 24.08.2025, the client of this case contacted with undersigned counsel to asked the fate of his appeal, then the undersigned counsel on checking detail of said appeal on High Court website, came to know about not filing the appeal due to not removing objections. Thereafter, the clerk on asking undersigned counsel



made efforts to trace the file in office and on 25.08.2025, the paper book of this case was traced in another brief of some other case.”

The Law of Limitation is enacted with a purpose, as a handmaid of Justice and cannot be ignored/reduced to an ineffective piece of legislation by giving it the complete go-by. With passage of time, rights of the parties get crystallised. It is the bounden duty of every litigant to pursue his case diligently; and it is also the bounden duty of this Court to ensure that justice inures to both parties concerned.

No details have been forthcoming either from the application or from the accompanying affidavit as to on what date was the file misplaced or on what date was it found.

It is my considered view that keeping in mind the totality of the facts and circumstances of the case, the reasons cited by the applicant for condonation of delay, do not constitute sufficient cause. In view of above, present application is **dismissed**.

CM-19400-2025

Along with the present appeal, present application bearing CM-19400-2025 has also been filed on behalf of the applicants/minor daughter and parents in law of appellant no.1, for impleadment as appellants no.5 to 7 in the present appeal. However, no reasons have been given by the applicants as to why they had failed to file claim petition before the learned



Tribunal. As such, the said applicants cannot be directly impleaded before this Court. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.22,43,900/- awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter 'the learned Tribunal') vide Award dated 20.01.2025 passed in MACP Case No.89 dated 02.07.2021 filed under Section 144 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the widow and three minor children of deceased Majlis, who was 31 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 Majlis had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.04.2021 at about 9:30 pm due to the rash and negligent driving of Maruti Ciaz bearing registration No.HR-26-EN-4642 (hereinafter "the offending vehicle") being owned and driven by respondent No.1 and insured by respondent No.2. 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 by submitting that funeral and loss of estate have been



awarded on the lower side. Meagre amount has been awarded towards consortium. Interest should be 7%. Litigation expenses should be awarded @ Rs.5500/-. It is accordingly prayed that the present appeal be allowed and compensation be enhanced as above.

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 was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was running his own workshop in the name of M/s Bhura Bike Repairing, Shivaji Nagar, Gurugram and earning Rs.60,000/- per month. It had further been pleaded that a sum of Rs.5 lakh was spent on the transport of the dead body, funeral ceremonies, etc. Accordingly, compensation of Rs.1 crore on account of death of Majlis @ Bhura along with 18% interest was prayed for.

6. To prove their case, the appellants had tendered photo (Ex.P3) and examined PW4 Farrukh who had deposed that deceased was working as Head Mechanic. However, the appellants had failed to prove the alleged income of the deceased as they had not adduced any Income Tax Return, Account Statement, or any other record from which it could be ascertained that deceased was earning Rs.60,000/- per month. Accordingly, the learned Tribunal had assessed income of the deceased as Rs.10,188/- per month on the basis of relevant Minimum Wage Notification. I find no error in the same.



7. Further, age of the deceased was determined to be 31 years at the time of accident, on the basis of his Aadhaar Card (Ex.R1), in which his year of birth is mentioned as 1990. Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 16. As there were four claimants, the learned Tribunal had made a deduction of 1/4th towards personal expenses. Under the conventional heads, the learned Tribunal has awarded Rs.15,000/- for loss of estate; Rs.40,000/- each to the four claimants and Rs.15,000/- for funeral expenses; thereby granting total compensation of Rs.22,43,900/-. Learned Tribunal awarded compensation in the following manner:-

Head	Amount
Compensation	Rs.20,53,900/-
Funeral expenses	Rs.15,000/-
Loss of consortium	Rs.1,60,000/-
Loss of estate	Rs.15,000/-
Total	Rs.22,43,900/-

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

17.02.2026

Sunena

(Nidhi Gupta)
Judge**Whether speaking/reasoned: Yes/No****Whether reportable: Yes/No**