

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****128****FAO-2763-2024(O&M)****Date of decision: 14.05.2026****Ajit Singh****...Appellant(s)****Vs.****Vikas Narwal & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Ravinder Kaur, Advocate for
Ms. Tarranum Madan, Advocate
for the appellant.

*********NIDHI GUPTA, J.****CM-10408-CII-2024**

This is an application under Section 5 of Limitation Act for
condonation of delay of 732 days in filing the appeal.

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

"2. That the judgment and decree of the Ld. Tribunal below, Hissar was passed on 26.02.2021, However, since the applicant is very poor and illiterate persons and he is not having any knowledge regarding the enhancement before this Hon'ble High Court but when someone advised for filing the appeal before this Hon'ble High Court he immediately arrange the funds for engaging counsel for filing the appeal at Chandigarh fund in April, 2024 and he took a loan from one near relative and thereafter approached the counsel at Chandigarh for filing the present appeal, thereupon after preparing the same the present appeal is being filed without any further delay after taking some time in preparing the same. However, in the process a delay of days has occurred in filing the appeal before this Hon'ble Court."



The above cited reason does not constitute sufficient cause to condone extraordinary delay of 732 days in filing the present appeal. Ignorance of law constitutes no ground for not filing appeal within limitation. As such, the sole reason cited by the appellant is not sufficient ground to condone delay of 732 days in filing the appeal. Moreover, it is cardinal principle of law that delay of each day has to be explained. Reliance is placed upon 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 732 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,39,237/- awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide Award dated 26.02.2021 passed in CIS No.MACP/641 dated 12.01.2016 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act").

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 appellant had suffered injuries in a motor vehicular accident that took place on 16.07.2016 at about 5:30 pm due to the rash and negligent driving of Car bearing registration No.HR-26-AR-6600 (hereinafter "the offending vehicle") being driven by respondent No.1,



owned by respondent No.2, respondent No.3 is the registered owner of the offending car; and the offending vehicle is insured by respondent No.4. The compensation has been awarded along with interest @ 6% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that while granting meagre compensation, learned Tribunal has failed to appreciate that the appellant remained hospitalised at Adhar Hospital, Hisar from 16.07.2016 till 01.08.2016; whereafter he was referred to PGI Chandigarh where he remained admitted till 05.10.2016. The learned Tribunal has also failed to take into consideration bills (Ex.P9 to Ex.P-290) for an amount of Rs.6 lakh incurred by the appellant towards his treatment. The appellant has duly proved the said bills through cogent evidence.

4. It is further submitted that even otherwise, income of the appellant has been taken on the lower side. Even the amounts granted under other heads deserve to be enhanced. Nothing has been awarded to the appellant towards transportation charges to attendant charges.

5. Learned counsel further submits that in the accident dated 16.07.2016, the appellant has been rendered permanently disabled. Interest is also on the lower side and deserves to be enhanced. It is accordingly prayed that present appeal be allowed and Award be modified.



6. 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.

7. Perusal of record of the case shows that it was the pleaded case of the appellant before the Tribunal that prior to the accident, the appellant was an Auto-Rickshaw Driver and earning Rs.20,000/- per month. However, the appellant had failed to adduce any evidence in this regard. Therefore, the learned Tribunal had correctly assessed his income as Rs.8,000/- per month.

8. The appellant had further pleaded that he had remained hospitalised at Adhar Hospital, Hisar from 16.07.2016 to 01.08.2018. The said fact was duly proved from the evidence of PW3 Dr. Anil Goyal, who had also proved hospital bill (Ex.P10) for an amount of Rs.42,350/-. The appellant had also proved medical bills (Ex.P11 to Ex.P16) for a total amount of Rs.2,660/- by examining PW4 Deepak, Pharmacy In-charge. Medical bills (Ex..P102 to Ex.P197) for an amount of Rs.67,727/- were proved by the appellant by examining PW7 Nitin Aggarwal. Thus, contrary to the claims made by the appellant that he had spent Rs.6 lakh on his treatment, the appellant had only proved medical bills for an amount of Rs.1,12,737/-, which was duly reimbursed by the learned Tribunal to the appellant.

9. The appellant has further alleged that from Adhar Hospital, Hisar, he was referred to PGI Chandigarh. However, the said contention is factually incorrect as a perusal of the Discharge Card (Ex.9) issued by Adhar Hospital,



Hisar shows that on 01.08.2016, the appellant was discharged in stable condition. Moreover, no evidence has been produced by the appellant to show that he had ever been referred to PGI Chandigarh or that he had remained admitted there.

10. Further, it has been alleged by the appellant that he has been rendered permanently disabled in the accident in question. However, the said assertion is also baseless as, as per the evidence on record, the appellant had only suffered abdominal injury. Admittedly, there is no Disability Certificate produced by the appellant. In this situation, no credence can be given to the said assertion regarding permanent disability. Accordingly, the learned Tribunal had awarded total compensation in the following manner:-

Head	Amount
Medical expenses	Rs.1,12,737/-
Loss of earning during period of treatment	Rs.8,000/-
Pain and suffering	Rs.10,000/-
Attendant charges and special diet during stay in hospital i.e. from 16.07.2016 to 01.08.2016 @ Rs.500/- per day	Rs.500/- x 17 = Rs.8,500/-
Total	Rs.1,39,237/-

11. 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 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 & 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 "**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.

12. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

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

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

14.05.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No