



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
122(2)

FAO-2630-2025(O&M)
Date of decision: 22.04.2026

Akshay Kumar

...Appellant(s)

Vs.

Hardeep Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Barjinder Singh, Advocate
for the appellant.

NIDHI GUPTA, J.
CM-8458-CII-2025

This is an application under Section 5 of Limitation Act for
condonation of delay of 110 days in filing the appeal.

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

"2. That though the award dated 30.07.2024 has received by counsel for the appellant at Trial Court, however the claimant was under the impression that the limitation will start from the date of the receipt of the amount but when the claimant contacted to their counsel only then they came to know that the limitation will start from the date of the passing of the impugned award. Thereafter, the appellant after arranging funds and all the necessary documents approached to the undersigned counsel on 17.04.2025 for filing the appeal. Now, the present appeal is being filed without any further delay."



Thus, the above cited reason does not constitute sufficient cause to condone extraordinary delay of 110 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 110 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.2,72,268/- awarded by the Motor Accident Claims Tribunal, Sangrur (hereinafter 'the learned Tribunal') vide Award dated 30.07.2024 passed in MACP No.45 dated 07.03.2022 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 11.05.2021 due to the rash and negligent driving of Tanker bearing registration No.PB-11-AG-8379 (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. Respondent No.3/Insurance Company was held liable for payment of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that while awarding compensation, injuries have not been properly assessed by the learned Tribunal. Age of the appellant has been wrongly calculated. Nothing has been awarded towards permanent disability. Conventional heads deserve to be enhanced. Interest should have been awarded @ 18%. It is accordingly prayed that the present appeal be allowed and impugned Award be modified.

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. Perusal of record of the case shows that the appellant/claimant had appeared before the learned Tribunal as CW1. The testimony of the appellant as CW1 has been recorded by the learned Tribunal in Para 15 of the impugned Award which reads as follows:-

“15. In order to prove his claim, the claimant of this claim petition has himself stepped into witness box as CW1, who has testified that on dated 11.05.2021 at about 8:15 AM, CW-1 Akshay Kumar and her mother Charanjit Kaur as pillion rider were going to Village Khaspur, Tehsil Patran on motorcycle bearing registration no.PB-13AX-6991, which was driven by him on his correct side at a normal speed with due care and caution and when they reached in front of Gurudwara Nankiana Sahib,



one Oil Tanker bearing registration no.PB-11AG-8379 driven by the respondent no.1 in a rash and negligent manner at a very high speed, came from the backside and the respondent no.1 turned his truck towards Mangwal side without any indication and resultantly, that truck struck into his motorcycle and they fell down on the road. He has further testified that he received multiple grievous injuries on his person and his mother Charanjit Kaur had died and he was immediately taken to the Civil Hospital, Dhuri. He has further testified that on his statement, the case FIR No.54 dated 11.05.2021 was registered at Police Station Sadar, Sangrur, u/s 279 and 304-A of IPC against Hardeep Singh, the respondent no. 1 as driver of the aforesaid offending oil Tanker bearing no. PB-13AG-8379.

He has further testified that at the time of his accident, he was 19 years old and he was quite hale and hearty. He has further testified that he was student of 10+2 Class. He has further testified that he was earning Rs. 15,000/- per month. He has further submitted that due to the aforesaid accident, his left leg was fractured and even he also sustained other injuries on his body. He further testified that he had to undergone operation of his left knee and he remained admitted in Fortis Hospital, Mohali for the period from 14.06.2021 to 02.07.2021. He has further testified that he has already spent Rs.3,00,000/- on his treatment and even Rs. 1,00,000/- more is required for his further treatment. He has further testified that due to the injuries, he is unable to walk and sit properly and and he is unable to do his daily routine work. He has further testified that he got follow up treatment from Fortis Hospital, Mohali and due to the aforesaid injuries, he remained confined to bed for long



time. He has further testified that he had engaged an attendant for full time at the salary of Rs.6,000/- per month. He has further testified that due to injuries, he could not go to attend his duty. He has further testified that the concerned doctor has advised him for regular physiotherapy. He has further testified that his future and the future of his family members has come under dark and has become like a hell. He has further testified that he and his family members are suffering a lot of mental agony and harassment and even they have suffered a heavy financial loss due to the aforesaid accident. He has further testified that his future prospect was very bright but due to the aforesaid accident, he is unable to do his work properly and his life has been ruined and therefore, he is entitled to compensation under all the heads of the motor vehicle accident... ..”

6. It is to be noted that no doctor has been examined by the appellant to prove the above-said injuries alleged to have been received by him in the accident in question. In actual fact, the alleged injuries sustained by the appellant have not been proved. It is also to be noted that before the learned Tribunal, the deceased has not pleaded that he has suffered any permanent disability. Accordingly, the learned Tribunal has categorically recorded in Para 18 of the impugned Award as follows:-

“18. Furthermore, this court is of the considered view that neither any evidence has been led on record nor any disability certificate has been proved on record with respect to any disability suffered by the claimant in the aforesaid accident in question and thus, the claimant is not entitled to receive any compensation on account of any disability suffered by him in the



aforesaid accident. Furthermore, the claimant has duly proved on record the medical prescription slips and medical bills as Ex.C5 to Ex.C35 on the record of the present case to prove the treatment and medical expenses incurred by the claimant on his treatment on account of injuries suffered by him in the accident in question and the following medical bills have also been duly proved on record by the claimant... ..”

7. It is also my view that the medical bills produced by the appellant could not have been taken to be proved without examining any Doctor or Prescription Clerk from the Dispensary or Shop from where the said bills were issued. Notwithstanding the above lacuna, the learned Tribunal has awarded compensation in the following manner:-

Head	Amount
Medical expenses	Rs.1,77,268/-
Pain and suffering	Rs.50,000/-
Attendant charges	Rs.15,000/-
Special diet	Rs.15,000/-
Conveyance charges	Rs.15,000/-
Total	Rs.2,72,268/-

8. From the above, it is clear that in the facts and circumstances of the case, no ground is made out to enhance the compensation. 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.

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.

22.04.2026
Sunena

(Nidhi Gupta)
Judge

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