



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1243-2024(O&M)

Date of decision: 12.02.2026

Abdul Gaffar & Another

...Appellant(s)

Vs.

Hardeep Singh & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kamal Chaudhary, Advocate
for the appellants.

NIDHI GUPTA, J.
CM-4975-CII-2024

This is an application under Section 151 CPC for condonation of delay of 454 days in re-filing the appeal.

The only reason given for condoning such inordinate delay is:

"2. That the present appeal had been filed before this Hon'ble court on 30.05.2022 but certain objections were raised by the Registry on 454. After receiving paper book from the registry of this Hon'ble Court the brief of the present case was misplaced by the clerk."

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-4976-CII-2024

This is an application under Section 5 of Limitation Act read along with Section 151 CPC for condonation of delay of 6 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of appellant No.1, the same is allowed subject to all just exceptions and delay of 6 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.21,85,544/- awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter 'the learned Tribunal') vide Award dated 30.03.2022 passed in MACP Case No.3 dated 13.01.2020 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").



The two claimants are the 46-year-old father and 44-year-old mother of deceased Akhtar, who was 18 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 Akhtar had died due to the injuries suffered by him in a motor vehicular accident that took place on 20.11.2019 due to the rash and negligent driving of Tractor bearing registration No.HR-85-TC-0132 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 6% per annum. Respondents No.1 was held liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that it was the clear pleaded case of the appellants before the learned Tribunal that the deceased was a student and was doing business of dairy farming and earning Rs.30,000/- per month and also doing agricultural work from which he was earning Rs.1 lakh per annum. It is submitted that therefore, learned Tribunal has erred in taking income of the deceased on lower side as only Rs.13,727/- per month. It is submitted that in determining the income, the learned Tribunal has wrongly “*relied upon the unreliable speculations of the respondents...*”. It is contended that even interest has been granted on the lower side. It is accordingly prayed that the compensation be enhanced.



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. As noted above, it was the pleaded case of the appellants before the learned Tribunal that prior to the accident the deceased was a student and was doing dairy farming from which he was earning Rs.30,000/- per month; as also agricultural work from which he was earning Rs.1 lakh per annum. However, the appellants had failed to produce any proof whatsoever regarding the above-said avocation or income of the deceased. Although the appellants had examined PW2 Aslam, who had supported the case of the appellants, however, no documentary proof of alleged avocation or income of the deceased was produced by the appellants. In any event, no loss of income would be caused to the appellants from the said sources of dairy farming and agricultural land as the land and dairy farm would still be with the appellants. Accordingly, the Tribunal had taken the deceased as an unskilled daily wager and had determined his income as Rs.13,727/- on the basis of DC rates Notification dated 30.05.2019. I find no error in the same.

6. Further, age of the deceased was proved to be 18 years on the date of accident, on the basis of School Leaving Certificate (Ex.P6), in which his date of birth is mentioned as 08.04.2001. Accordingly, the learned Tribunal had correctly made an addition of 40% towards future prospects (Rs.13,727/- x 40/100 = Rs.5,491) (Rs.13,727/- + Rs.5,491/- = Rs.19,218/-).



Further, as deceased was a bachelor, deduction of 50% was correctly made towards personal expenses (Rs.19,218/-/2 = Rs.9,609/-). Learned Tribunal correctly applied multiplier of 18 (Rs.9,609/- x 12 x 18 = Rs.20,75,544/-). Under the conventional heads, the learned Tribunal had awarded Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate; and Rs.40,000/- each to both the claimants by way of filial consortium; thereby granting total compensation of Rs.21,85,544/-.

7. Clearly therefore, just and fair compensation has been awarded by the Id. Tribunal in accordance with law. In view of the above, present appeal stands **dismissed** on grounds of delay as well as on merits.

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

12.02.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No