



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4410-2023(O&M)

Date of decision: 10.03.2026

Bhim Sain Chawla

...Appellant(s)

Vs.

Lakhvir Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vicky Sharma, Advocate
Mr. K.S. Dhaliwal, Advocate
for the appellant.

NIDHI GUPTA, J.**CM-14816-CII-2023**

This is an application under Section 5 of Limitation Act for condonation of delay of 222 days in filing the appeal.

The reason given in the application seeking condonation of delay of 222 days is contained in Para 2 of the application, which is as under:-

"2. That earlier the appellant/applicant could not file the appeal due to his advanced age and being infected with Covid-19 on two occasions. The appellant was not aware about the technicalities of the impugned order which had fasted the liability to pay compensation on the respondent nos. 1 & 2 in 50 % share each. The appellant was under the impression that he would get claim amount by filing execution petition against any one of them which is not the case here. Now the appellant has been made aware about the abovementioned error in the order passed by



the Ld. Tribunal and he is filing the accompanying appeal after a delay of 222 days.”

The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 222 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 222 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.8,62,520/- awarded by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter 'the learned Tribunal') vide Award dated 24.08.2022 passed in MACP Case No.514 dated 03.11.2017 filed under Sections 166 and 140 of the 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 03.01.2017 at about 2:15 pm due to the rash and negligent driving of Swift VDI Car bearing registration No.DL-4C-AM-



1107 (hereinafter “the offending vehicle”) being driven by respondent No.1 and owned by respondent No.2. Particulars of the Insurance Company have not been disclosed by the appellant. The learned Tribunal further found that the accident in question had been caused due to the rash and negligent driving of the above offending Swift Car, as also of the car bearing registration No.HR-54-C-7200, which was being driven by respondent No.4, owned by respondent No.4A, and insured by respondent No.5. Accordingly, the learned Tribunal had assessed contributory negligence of both the vehicles in the ratio of 50:50. The said compensation has been awarded along with interest @ 7.5% per annum. Liability to pay the compensation was upon respondents No.1 and 2, and respondents No.4, 4A and 5.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that the appellant had presented medical bills for an amount of Rs.4,61,046/-. However, the learned Tribunal has reimbursed only an amount of Rs.3,21,866/-. It is submitted that the remaining amount also has to be reimbursed by the learned Tribunal.

4. It is also submitted that the contributory negligence of both the vehicles in the ratio of 50:50 has been wrongly assessed. It is contended that the learned Tribunal has failed to appreciate the evidence produced by the appellant. Learned counsel submits that it has come to the knowledge of the appellant that respondents No.1 & 2 do not have sufficient financial resources to fulfil its allocated 50% share of compensation. Thus, this is



causing great difficulty for the appellant to recover the full awarded amount; thereby leaving them uncompensated for a significant portion of its losses.

It is accordingly prayed that *“the finding of the Ld. Tribunal may kindly be modified and directions may be given to hold all the official respondents jointly and severally liable for the awarded compensation amount and Directions may be given to the appellant to recover the entire compensation amount from any of the official respondents at their discretion.”*

5. 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.

6. It was the pleaded case of the appellant before the learned Tribunal as recorded in Para 2 of the impugned Award that:-

“2. It is averred in the claim petition that on fateful day i.e. on 3.1.2017, claimant alongwith his friends Raghbir Singh son of Mahinder Singh, resident of village Malakpura Singhpura and Sukhwinder Singh son of Kehar Singh, r/o Thin Libra, District Ambala had gone to Fatehgarh Gurudwara Sahib for offering prayer in Car bearing registration no.HR-54- C-7200. After offering prayer, they started back for offering prayer in Kali Mata Temple at Patiala. The car was being driven by Sukhwinder Singh respondent no.4 on normal speed and on due left hand side of the road, while observing with all traffic rules. The claimant was sitting alongwith Sukhwinder Singh on front seat on conductor side and Raghbir Singh was sitting on back seat of the said car. At about 2.15 p.m., they reached about 200 yards from Bakhra



Canal Narwana Branch. In the meantime offending car bearing registration no.DL-4C-AM-1107 came from the side of Patiala at very high speed and in rash and negligent manner being driven by respondent no.1 Lakhvir Singh and struck against the car driven by Sukhwinder Singh. As a result, all the occupants of the car received multiple serious and grievous injuries on various parts of their body. Both the car also badly damaged. The accident took place due to sole rash and negligent driving of the offending car by respondent no.1. Soon after the accident, the claimant was shifted to Anand Orthopaedic Centre Kurukshetra, where he was treated and operated upon.

Regarding the accident in question, the local police of P.S.Sirhind registered a case FIR no.111 dated 11.1.2017 under Sections 279, 338 and 427 of IPC against respondent no.1 who is facing trial in the court of learned Illaga Magistrate. Respondent no.1 is driver and respondent no.2 is owner of offending car and same was insured with respondent no.3 at the time of accident, hence respondents no. 1 to 3 are jointly and severally liable to pay compensation to the claimant. If this Tribunal comes to the conclusion that both the drivers were on fault on fault in causing the accident in question, then all the respondents will be jointly and severally liable to pay compensation of Rs. Eight lakh.”

7. It has been firstly contended on behalf of learned counsel for the appellant that the liability affixed by the learned Tribunal to the extent of 50:50 on the offending vehicle as also on the car bearing registration No.HR-54-C-7200, is liable to be set aside; and entire liability ought to be fixed on Insurance Company for car bearing registration No.DL-4C-AM-1107/



respondent no.5. However, I find no merit in the said assertion of the appellant as the findings of the learned Tribunal in this regard are very clear. The appellant while appearing as PW1 has categorically testified that the car occupied by him i.e. car bearing registration No.HR-54-C-7200, had been hit by the offending vehicle coming from the opposite direction and struck into the car bearing registration No.HR-54-C-7200. However, the appellant in his evidence has admitted that it was a head-on collision. On the other hand, Lakhvir Singh, respondent No.1 driver of the offending Swift VDI car has testified that the accident was not caused by him, however, has admitted in his cross-examination that he is facing trial in the FIR above-mentioned. Accordingly, the learned Tribunal had relied upon judgment of this Court in **“The Oriental Insurance Company Ltd. Vs. Smt. Narinder Kaur & Others” 2001 (1) PLR 138**, wherein it is held that in a case of head-on collision, liability is to be imposed on both the drivers. I find merit in the said reasoning of the learned Tribunal.

8. The above view is supported by judgment of the Hon’ble Supreme Court in **Bijoy Kumar Dugar v. Bidyadhar Dutta, (SC) : Law Finder Doc ID # 119539**, wherein it is held that:-

“A. Motor Vehicles Act, 1988, Section 168 - Fatal motor accident - Contributory negligence - Head on collision between car and bus - Death of driver of car - Drivers of both the vehicles should be held responsible to have contributed equally to accident when there



is head on collision - Insurance company of bus to pay half of the compensation awarded by Tribunal - Car was not insured."

9. As such, there is no error in the contributory negligence affixed upon both the vehicles.

10. Learned Tribunal had further held that as the offending Swift VDI car being driven by respondent No.1 was not insured, hence, the said compensation amount had to be paid by the respondents No.1 and 2 jointly and severally; and the remaining 50% was to be paid by the vehicle bearing registration No.HR-54-C-7200, which was duly insured by respondent No.5.

11. In this regard, it is also to be seen that in the FIR No.11 dated 11.01.2017, respondent No.1 stands acquitted by the learned Additional Chief Judicial Magistrate, Fatehgarh Sahib vide judgment dated 25.04.2019 for the reasons as recorded in Para 20 thereof, which is as under:-

"20. The accused has put forth a case while recording his statement under section 313 Cr.P.C that he was not present at the spot when the accident took place. The prosecution has not led any evidence that the accused was present at the spot. Even as per the material brought before the court, the RC of the offending vehicle was not in the name of the accused. Even the FIR was registered against unknown person. In such circumstances, a heavy onus lay upon the prosecution to prove the identity of the accused. Law is well established on the point that it was for the prosecution to bring home the guilt of the accused by establishing his presence at the spot as well as his rash and negligent Act resulting in the accident. However, on



both these points, the prosecution has miserably failed to prove its case.”

12. As regards argument of the appellant that appellant had submitted bills for an amount of Rs.4,61,046/-; whereas only an amount of Rs.3,21,866/- has been reimbursed to him, it is firstly to be seen that no such ground has been raised by the appellant in the present Grounds of Appeal. Moreover, record reveals that the appellant had produced medical bills (Ex.P1 to Ex.P18) for a total amount of Rs.3,21,866/-, which amount has been reimbursed to the appellant in total. As such, it is not clear as to on what basis the appellant is making the above-said contention.

13. The appellant had further pleaded before the learned Tribunal that he is a lawyer by profession and was earning Rs.80,000/- per month. Although no evidence to this effect was produced by the appellant, learned Tribunal had still taken income of the appellant as Rs.80,000/- per month. Appellant has suffered disability of left upper limb, which is calculated to be 9% qua the whole body.

14. Accordingly, Id. Tribunal awarded compensation in the following manner: -

Head	Amount
Loss of income	Rs.50,654/-
Transportation to hospital	Rs.20,000/-
Attendant charges	Rs.18,000/-
Diet and nutrition	Rs.10,000/-
Medical expenses	Rs.3,21,866/-
Pain and suffering	Rs.10,000/-



Loss of future earning capacity in relation to disability	Rs.4,32,000/-
Total	Rs.8,62,520/-

15. It is my view that in the above noted facts and circumstances of the case, present appeal stands **dismissed** on grounds of delay as well as on merits.

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

10.03.2026
Sunena

(Nidhi Gupta)
Judge

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