



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
250

FAO-5027-2019 (O&M)
Date of decision: 30.03.2026

Simrandeep Singh & Others

...Appellant(s)

Vs.

Nirmal Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Jimmy Singla, Advocate
for the appellants.

Mr. Dilraj Singh Bhinder, Advocate
for respondent No.2.

NIDHI GUPTA, J.

CM-16378-CII-2019

This is an application under Section 5 of Limitation Act read with
Section 151 CPC for condonation of delay of 21 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit of Clerk of learned counsel for the appellants, the
same is allowed subject to all just exceptions and delay of 21 days in filing the
present appeal is condoned.

MAIN CASE

The present appeal has been filed by the claimants against the
dismissal of their claim petition by the learned MACT, Sangrur (hereinafter
'the Tribunal'), vide Award dated 01.04.2019 passed in MACP Case No.520



dated 05.03.2018 filed under Section 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The three claimants are the 14-year-old son, 17-year-old daughter, and widow of deceased Harpreet Singh, who was stated to be 25 years old at the time of accident.

2. It was the pleaded case of the appellants before the learned Tribunal that deceased Harpreet Singh had died due to the injuries suffered by him in a motor vehicle accident that took place on 31.03.2006 due to the rash and negligent driving of the Bus bearing registration No.PB-11H-9787 (hereinafter referred to as the "offending vehicle") being driven by respondent No.1 and owned by respondents No.2 and 3.

3. Learned counsel for the appellants submits that the learned Tribunal had dismissed the Claim Petition on the ground that in respect of the accident dated 31.03.2006, the appellants had filed Claim Petition on 05.03.2018. Learned counsel submits that the learned Tribunal was in error in doing so, as at the time of filing of Claim Petition, there was no statutory period of limitation prescribed under the Act. It is submitted that learned Tribunal lost sight of the fact that the Act is a beneficial legislation which has been enacted to provide compensation for loss on account of accidental injuries involving motor vehicles. The deceased in the present case was working as a laborer. The claimants in the present case are poor and illiterate persons. They were unaware of their right to receive compensation through the learned Tribunal. Further, there is no period of limitation provided for filing a Claim Petition under the Act. Thus, the intention of the legislature was



that a claim of a destitute person should not be thrown out merely on the ground of limitation. It is submitted that therefore appellants could not have been nonsuited on ground of limitation.

4. Ld. Counsel further submits that the present Claim Petition was filed under Section 163(A) of the Act. The aforesaid Section deals with 'no fault liability' principle on account of accidents involving motor vehicles. In the present case, the claimants are poor illiterate persons, who were unaware of their right to receive compensation, otherwise there was no reason for them not to approach the learned Tribunal for grant of compensation. Therefore, the present case is a fit one to exercise jurisdiction for the purpose of grant of compensation under the Act. The learned Tribunal returned the finding that although there is no period of limitation provided under the Act, yet the claim of claimants was stale and dead as the same was filed after a gap of 12 years from the date of accident. The aforesaid findings returned by the learned Tribunal are liable to be modified and the claimants be granted compensation under Section 163(A) of the Act.

5. In support of his above-said contentions, learned counsel relies upon Division Bench judgment of this Court in **Darshan v. Devinder Singh, (P&H)(DB) : Law Finder Doc ID # 124342; decided on 30.03.2006**, wherein Claim Petition had been filed seven years after the accident. Learned counsel also relies upon judgment of the Patna High Court in **National Insurance Co. Ltd. V. Uttam Paswan, (Patna) : Law Finder Doc ID # 1291806; decided on 07.05.2018.**



6. It is further submitted that the learned Tribunal conveniently ignored the unequivocal stand of the eyewitness namely Amrit Pal Singh. The aforesaid eyewitness namely Amrit Pal Singh was accompanying the deceased Harpreet Singh. Amrit Pal Singh was boarding from the back door when he saw that the foot of the deceased suddenly slipped while he was boarding the bus through front door. Thus, the present accident involves a motor vehicle. Therefore, compensation under Section 163 (A) is liable to be awarded on the basis of the principle of 'no fault liability'.

7. The learned Tribunal gravely erred in law as well as on facts in rejecting the claim of the appellants on the basis of procedural niceties of law. The appellants have very strong case on merits. In the present case, postmortem was conducted; and the postmortem report Ex. C-1 is placed on record. Further, the aforesaid postmortem report was duly proved through testimony of the doctor of the concerned Hospital examined as CW-1.

8. It is accordingly prayed that the present appeal be allowed, and compensation be awarded to the appellants.

9. Per contra, learned counsel for the respondent No.2 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed. It is submitted that the present Claim Petition having been filed 12 years after the date of accident, is not maintainable as, as per the latest amendment, Claim Petition is required to be filed within 6 months. It is further submitted that in any event, the case set up by the appellants even



on merits does not bear scrutiny as there is nothing on record to prove the involvement of the alleged offending bus by the respondent No.1. It is accordingly prayed that the present appeal be dismissed.

10. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the appellants.

11. A perusal of record of the case shows that the pleaded case of the appellants before the learned Tribunal as recorded in Paras 2 and 3 of the impugned Award is that: -

“2. In brief, the facts of the present claim petition are that on 31.03.2006, the deceased Harpreet Singh was interested to go to Samana and he was boarding the bus bearing registration No.PB- 11H-9787. At that time, Amritpal Singh son of Bant Singh was also accompanying the deceased Harpreet Singh at the Bus Stand of village Nial, Tehsil Patran, P. S. Patran. The deceased failed in his attempt to board the bus. The bus started and the deceased fell down from the bus. Thereafter, he was brought to Rajindra Hospital, Patiala, where he was declared as dead. His postmortem was conducted there. Harpreet Singh died due to the said accident while boarding the bus bearing registration No.PB-11H-9787.

3. It has been further submitted that Harpreet Singh (since deceased) was a hale and hearty person. He was an agriculturist. The claimants are deprived of the love and affection of the deceased. They have suffered a lot due to the untimely death of the deceased. He was the sole bread winner of his family. Nobody has remained in the house to lookafter



the claimants and to guide them. The future of the claimants has been ruined. They have suffered physically and mentally. They have spent Rs.2,00,000/- on the medical expenditure of deceased and on the funeral and bhog ceremony of the deceased. The claimant No.1 is the son, claimant No.2 is the daughter and claimant No.3 is the wife of the deceased Harpreet Singh. The claimants are entitled to Rs.9,00,000/- for loss of dependency; Rs.500,000/- for loss of love and affection; Rs.3,00,000/- as consortium and Rs.2,00,000/- for treatment expenditure, Bhog and funeral ceremonies and thus the claimants sought compensation of Rs. 19,00,000/- from the respondents with regard to the death of deceased Harpreet Singh alongwith interest @ 18% per annum from the date of accident till realization. The respondents No.1 is the driver and respondents No.2 & 3 are the owners and as such, their liability to pay the compensation amount is joint and several.”

(Emphasis added)

12. It is firstly to be seen that in respect of an accident dated 31.03.2006, the appellants had preferred the instant Claim Petition No.520 on dated 05.03.2018. Moreover, in the Claim Petition, no explanation whatsoever has been given by the appellants for the delay of 12 years in filing the same. There is not even a whisper as to what curtailed the appellants from approaching the learned Tribunal in the intervening 12 years. The Claim Petition is also not accompanied by any application for condonation of delay. Even if the argument of learned counsel for the appellants is accepted to the effect that there was no limitation prescribed



under the Act at the relevant time, even then it is to be expected that the Claim Petition will be filed within a reasonable time; as held by a three-Judge Bench judgment of the Hon'ble Supreme Court in **Purohit and Company v. Khatoonbee, (SC) : Law Finder Doc Id # 832632; decided on 09.02.2017**, wherein it is held that:-

“Motor accident - No limitation prescribed for raising claim but claim could raised within reasonable time - Claim could not be filed after 28 years of incident - It is dead claim.

Motor Vehicles Act, 1988, Section 166(3) Limitation Act, 1963 Section 5 Limitation to raise claim under Motor Vehicles Act :-

1. Motor Vehicles Act does not provide any period to raise claim but claim should be filed within reasonable time.

2. In the instant case claim raised after 28 years - It is dead claim - Claim rightly rejected - Delay of 28 years, cannot be considered as a prima facie reasonable period.

3. Delay cannot be justified on the ground that claimants are poor person and they have no knowledge about the Law - 2000 (2) RCR (Civil) 18, 2005 (2) SCT 113 Relied.

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10. In support of the contention advanced at the hands of the learned counsel for the appellant, as has been noticed in the foregoing paragraph, learned counsel invited our attention to Corporation Bank v. Navin J. Shah, 2000(2) RCR (Civil) 18 : (2000) 2 SCC 628, wherein a claim for compensation had been raised under the Consumer Protection Act, 1986, wherein also, there was no period of limitation prescribed (at the time, when the claim was raised). Dealing with the question in hand, this Court had recorded the following observations:



"12. We may further notice that there is another strong reason as to why the claim made by the respondent should not have been granted. The transactions in question took place in the years 1979 and 1981. The difficulties in realisation of the amounts due from the consignee also became clear at the time when the claim was made before the Corporation and the claim had been made as early as on 19-12-1982. The petition before the Commission was filed on 25-9-1992 that is clearly a decade after a claim had been made before the Corporation. A claim could not have been filed by the respondent at this distance of time. Indeed at the relevant time there was no period of limitation under the Consumer Protection Act to prefer a claim before the Commission but that does not mean that the claim could be made even after an unreasonably long delay. The Commission has rejected this contention by a wholly wrong approach in taking into consideration that the foreign exchange payable to Reserve Bank of India was still due and, therefore, the claim is alive. The claim of the respondent is from the Bank. At any rate, as stated earlier, when the claim was made for indemnifying the losses suffered from the Corporation, it was clear to the parties about the futility of awaiting any longer for collecting such amounts from the foreign bank. In those circumstances, the claim, if at all was to be made, ought to have been made within a reasonable time thereafter. What is reasonable time to lay a claim depends upon the facts of each case. In the legislative wisdom, three years' period has been prescribed as the reasonable time under the Limitation Act to lay a claim for money. We think, that period should be the appropriate standard adopted for computing reasonable time to raise a claim in a matter of this



nature. For this reason also we find that the claim made by the respondent ought to have been rejected by the Commission."

(emphasis is ours)

It would be pertinent to mention, that the claim raised under the Consumer Protection Act, in the above judgment, was delayed by a period of 10 years, and even though, no period of limitation was prescribed, this Court held, that the same was not maintainable.

*11. Reliance was also placed on **Haryana State Coop. Land Development Bank v. Neelam, 2005(2) S.C.T. 113 : (2005) 5 SCC 91**, wherein, this Court held as under:*

*"17. In **Nedungadi Bank Ltd., 2000(1) S.C.T. 1088 : 2000(2) SCC 455**, a Bench of this Court, where S. Saghir Ahmad was a member [His Lordship was also a member in Ajaib Singh (supra), opined : (SCC pp.459-60, para 6)*

" 6 . Law does not prescribe any time-limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matters which had since been settled. Power is to be exercised reasonably and in a rational manner. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of the order dismissing the respondent from service. At the time reference was made no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject-matter of reference under Section 10 of the Act. As to when a dispute can be said to be stale would depend on the facts and circumstances of each case. When the matter has become final, it appears to us to be rather incongruous that the



reference be made under Section 10 of the Act in the circumstances like the present one. In fact it could be said that there was no dispute pending at the time when the reference in question was made."

18. It is trite that the courts and tribunals having plenary jurisdiction have discretionary power to grant an appropriate relief to the parties. The aim and object of the Industrial Disputes Act may be to impart social justice to the workman but the same by itself would not mean that irrespective of his conduct a workman would automatically be entitled to relief. The procedural laws like estoppel, waiver and acquiescence are equally applicable to the industrial proceedings. A person in certain situation may even be held to be bound by the doctrine of acceptance sub silentio. The respondent herein did not raise any industrial dispute questioning the termination of her services within a reasonable time. She even accepted an alternative employment and has been continuing therein from 10.8.1988. In her replication filed before the Presiding Officer of the Labour Court while traversing the plea raised by the appellant herein that she is gainfully employed in HUDA with effect from 10.8.1988 and her services had been regularized therein, it was averred :

"6. The applicant workman had already given replication to the A.L.C.-cum-Conciliation Officer, stating therein that she was engaged by HUDA from 10.8.1988 as clerk-cum-typist on daily wage basis. The applicant workman has the right to come to the service of the management and she is interested to join them."



19. She, therefore, did not deny or dispute that she had been regularly employed or her services had been regularized. She merely exercised her right to join the service of the appellant.

20. It is true that the respondent had filed a writ petition within a period of three years but indisputably the same was filed only after the other workmen obtained the same relief from the Labour Court in a reference made in that behalf by the State. Evidently in the writ petition she was not in a position to establish her legal right so as to obtain a writ of or in the nature of mandamus directing the appellant herein to reinstate her in service. She was advised to withdraw the writ petition presumably because she would not have obtained any relief in the said proceeding. Even the High Court could have dismissed the writ petition on the ground of delay or could have otherwise refused to exercise its discretionary jurisdiction. The conduct of the respondent in approaching the Labour Court after more than seven years had, therefore, been considered to be a relevant factor by the Labour Court for refusing to grant any relief to her. Such a consideration on the part of the Labour Court cannot be said to be an irrelevant one. The Labour Court in the aforementioned situation cannot be said to have exercised its discretionary jurisdiction injudiciously, arbitrarily and capriciously warranting interference at the hands of the High Court in exercise of its discretionary jurisdiction under Article 226 of the Constitution.

21. The matter might have been different had the respondent been appointed by the appellant in a permanent vacancy.

22. Both HUDA and the appellant are statutory organisations. The service of the respondent with the Appellant was an ad hoc one. She served the appellant only for a period of one year



three months; whereas she had been serving HUDA for more than sixteen years. Even if she is directed to be reinstated in the services of the appellant without back wages as was directed by the High Court, the same would remain an ad hoc one and, thus, her services can be terminated upon compliance of the provisions of the Industrial Disputes Act. It is also relevant to note that there may or may not now be any regular vacancy with the appellant Bank. We have noticed hereinbefore that in the year 1996, the vacancies had been filled up and a third party right had been created. It has not been pointed out to us that there exists a vacancy. Having considered the equities between the parties, we are of the opinion that it was not a fit case where the High Court should have interfered with the discretionary jurisdiction exercised by the Labour Court.

23. For the reasons aforementioned, the impugned judgment cannot be sustained which is set aside accordingly. This appeal is allowed. However, in the facts and circumstances of the case, there shall be no order as to costs."

(emphasis is ours)

It would be relevant to mention, that the above judgment was rendered in a matter, where the challenge was raised under the provisions of the Industrial Disputes Act, 1947, wherein also no period of limitation is prescribed to approach the Industrial Tribunal. Despite the above, this Court arrived at the conclusion, that a claim raised after a period of 7 years, was not a surviving claim. And therefore, the claim petition was held to be not maintainable.

12. Drawing an analogy to the judgments rendered under the Consumer Protection Act, 1986, as also, under the Industrial Disputes Act, 1947, it was the submission of the learned



counsel for the appellant, that even though no period of limitation remains prescribed, after the amendment of Section 166 of the Motor Vehicles Act, 1988, whereby sub-Section (3) of Section 166 came to be deleted (with effect from 14.11.1994), yet it would be imperative to determine, whether at the juncture when the claimant approached the Motor Accident Claims Tribunal, the claim was a live and surviving claim.

13. We are satisfied, that the submission advanced at the hands of the learned counsel for the appellant merits acceptance. The judgments on which the High Court had relied, and on which the respondents have emphasised, in our considered view, are not an impediment, to the acceptance of the submission canvassed on behalf of the appellant. We say so, because in Dhannalal's case (supra) the question of inordinate delay in approaching the Motor Accident Claims Tribunal, was not considered. In the second judgment in C. Padma's case (supra), it was considered. And in the C. Padma's case, the first conclusion drawn in paragraph 12 was "... if otherwise the claim is found genuine...". We are of the considered view, that a claim raised before the Motor Accident Claims Tribunal, can be considered to be genuine, so long as it is a live and surviving claim. We are satisfied in accepting the declared position of law, expressed in the judgments relied upon by the learned counsel for the appellant. It is not as if, it can be open to all and sundry, to approach a Motor Accident Claims Tribunal, to raise a claim for compensation, at any juncture, after the accident had taken place. The individual concerned, must approach the Tribunal within a reasonable time."



13. The aforesaid judgment has been followed by the Delhi High Court in recent judgment of **Meena Singhal v. Chaman Lal, (Delhi) : Law Finder Doc Id # 2864428; decided on 10.03.2026;** wherein it is held that:-

“Motor Vehicles Act - Claim petition filed after unreasonable delay of 12 years was not maintainable - Consistent inability of the claimant to pursue the case and lack of credible evidence regarding negligence on part of the driver led to dismissal of the claim.

A. Motor Vehicles Act, 1988 Section 166 Limitation for filing claim petitions - Petition filed after lapse of more than 12 years without reasonable explanation or application for condonation of delay - Held, claim petitions must be filed within a reasonable time even if no limitation is prescribed under the Act - Delay led to dismissal of the claim as stale and non-surviving.

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19. The crux of this discussion and the opinion of the Supreme Court is that a claim would become 'stale' and should be treated as a 'dead claim' when the claimants approach the Tribunal after an unreasonably long time. What is important is that the Court emphatically states that the individual concerned must approach the Tribunal within a reasonable time and that the question of reasonableness depends on the facts and circumstances of each case.”

14. Thus, appellants can derive no benefit from the relied upon judgments in **Darshan (supra)** and **Uttam Paswan (supra)**.

15. Even otherwise, even on merits, I find no ground is made out to interfere in the impugned Award as the appellant has been unable to



prove that the accident in question has been caused due to the use of the offending Bus. In proving that the Claim Petition was maintainable, and that the deceased had died due to the injuries suffered by him due to the use of the alleged offending Bus, the appellants have relied upon the evidence of eyewitness Amritpal Singh. Firstly, evidence of Amritpal Singh cannot be relied on as he is interested witness being brother of the deceased. Moreover, Amrit Pal Singh while appearing as CW1 has stated that he was boarding from the back door when he saw that the foot of the deceased suddenly slipped while he was boarding the bus through front door. Furthermore, it is recorded in Para 13 of the impugned Award that Amritpal Singh while appearing as CW1 has stated on oath that *"on 31.03.2006 the deceased Harpreet Singh was going to Samana and he was boarding the bus bearing registration No.PB-11H-9787. At that time he was also accompanying the deceased Harpreet Singh at Bus Stand of village Nial. The deceased could not board the bus and before he boarded the bus, the bus started and the deceased fell down from the bus, which was being driven by Nirmal Singh son of Kuda Singh resident of village Shermajra, Tehsil and District Patiala."* A bare reading of the above shows that it cannot be said that the deceased had die due to the injuries suffered by him by the "use of" the offending vehicle.

16. In this regard, it is also imperative to take note of the fact that the claimant No.3/widow has given an Affidavit dated 03.05.2006 (Annexure P2), wherein she has stated that *"I state on oath that the death*



of my husband which has occurred in the aforesaid accident has occurred due to a sudden accident, wherein nobody or driver has any fault because this accident has happened suddenly. Regarding the death of my husband accident, I do not want take any action against the driver, department or any other person.”.

17. Clearly therefore, it cannot be said that the deceased had died due to the use of the offending vehicle/Bus. Relevant observations of the learned Tribunal are in Para 20 of the impugned Award, which read as follows:-

“20. In the instant case, the accident in question took place on 31.03.2006 and the petition has been filed by the claimants on 05.03.2018 i.e. after about 12 years of the date of accident in 3 question. In the claim petition, no reason has been mentioned for delay in filing the claim petition nor any application for condonation of delay has been filed by the claimants alongwith the claim petition. In the claim petition, it has been pleaded that the claim petition is within time. No doubt, there is no limitation provided for filing the claim petition by the claimants in the Motor Vehicles Act. However, per the law laid down by the Hon'ble Supreme Court of India in the aforementioned judgment, the claim petition has to be filed within a reasonable time. The claimants have failed to plead and prove any reasonable cause for delay of 12 years in filing the claim petition. In view of the law laid down in the aforementioned judgment, it is held that the claimants have not approached this Tribunal within a reasonable time and there is no surviving claim. Moreover, there is no cogent and



reliable evidence that the deceased died on account of receiving injuries by use of motor vehicle. Even as per the claimants, the deceased failed to board the bus and died as a result of injuries due to fall on the road. It can not be termed that the deceased died on account of injuries received by him arising out of use of motor vehicle. The medical evidence also does not corroborate the ocular evidence. Even the eye account is narrated by the brother of the deceased and not by any independent witness. There is also no justification as to why the claimants filed the claim petition after about 12 years of the said incident. Accordingly, the findings of all these issues are returned against the claimants and in favour of the respondents.”

- 18. Learned counsel for the appellants has been unable to dispute the abovesaid factual and legal position.
- 19. In view of the above, no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed**.
- 20. Pending application(s) if any also stand(s) disposed of.

30.03.2026
Sunena

(NIDHI GUPTA)
JUDGE

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