

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****220****FAO-6792-2016(O&M)****Date of decision: 22.01.2026****Surinder Kumar & Another****...Appellant(s)****Vs.****Satnam Singh (since deceased) through LRs & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Akhilesh Vyas, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

NIDHI GUPTA, J.
CM-23599-CII-2016

This is an application under Section 5 of Limitation Act for
condonation of delay of 186 days in filing the appeal.

The only reason cited in the application for not filing the present
appeal within limitation is in Para 2, which reads as follows:-

*"2. That the appellants are poor persons and having no source
of income could not manage the requisite expenses to file the
appeal within limitation and thus the delay occurred."*

The said averments of the applicant/appellant are vague and
general, and do not constitute sufficient cause for condonation of inordinate



and extraordinary delay of 186 days in filing the present appeal. Moreover, it has come on record that in connected FAO No.3527 of 2018 titled as “Surinder Kumar & Another Vs. Satnam Singh (since deceased) through LRs & Others” emanating from connected MAC Case No.155 of 20.5.2014, the appellants have received generous amount of compensation of Rs.5,80,000/-. As such, the sole reason given by the appellants for delay in filing the appeal if on the face of it, false. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.50,000/- awarded by the Motor Accident Claims Tribunal, Amritsar (hereinafter ‘the learned Tribunal’) vide Award dated 03.11.2015 passed in MAC Case No.154 dated 20.05.2014 filed under Section 166 of the Motor Vehicles Act (hereinafter “the Act”). The two claimants are the 45-year-old son and 18-year-old grandson of deceased Manohar Lal, who was 75 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 Manohar Lal had died due to the injuries suffered by him in a motor vehicular accident that took place on 29.10.2013 due to the rash and negligent driving of Truck bearing registration No.PB-03Y-5644 (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 @ 7.5% per annum.

Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that less amount of compensation has been awarded to the appellants. Nothing has been awarded towards attendant charges and special diet. It is submitted that even nothing has been granted towards loss of love and affection. Learned Tribunal has wrongly held that deceased being 75 years old is not able to work. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified.

4. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellants and submit that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

5. No other argument is made on behalf of the parties. 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.

6. It was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was running a Tea Stall and earning Rs.30,000/- per month. However, no documentary evidence was produced by the appellants to prove their said contention. The learned Tribunal had also taken into account the fact that deceased was 75 years old.



It is also relevant that the claimant No.2 is the 18 year-old grandson of the deceased. As such, he would first be dependent upon his father/claimant No.1. Keeping in view the above facts, the learned Tribunal had awarded lumpsum compensation of Rs.50,000/- to the claimant No.1. I find no error in the same. Needless to say, as deceased was 75 years of age, no future prospects would be applicable and compensation in the structured formula as enunciated by the Hon'ble Supreme Court was not required to be made. As such, the learned Tribunal had awarded a sum of Rs.50,000/- by way of loss of love and affection to son/claimant No.1. Reliance may be placed upon judgment of Hon'ble Supreme Court in **Civil Appeal No.7255 of 2022 titled as "Meena Devi Vs. Nunu Chand Mahto @ Nemchand Mahto & Others"; Law finder Doc ID # 2047445**. It is my view that in cases such as the present one where the deceased is 75 years old, the same would be akin to cases of death of infant child, which merit grant of lumpsum compensation. As such, I find no error in the impugned Award.

7. 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.

21.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No