



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

149

FAO-4753-2022 (O&M)

Date of decision: 05.03.2026

Smt. Angoori and others

...Appellant(s)

Vs.

Sanjay and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ram Pal Verma, Advocate
for the appellants.

NIDHI GUPTA, J.CM-15011-CII-2022

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 1050 days in filing the appeal.

2. The only reason cited by learned counsel for the applicant/appellants in the abovesaid application for condonation of 1050 days delay in filing the appeal is as under:-

"2. That there is a delay of 1050 days in filing the appeal. The delay is not intentional but is beyond the control of the appellants. The appellants were not aware about the passing of the award. When the appellants went to her Ld. Counsel then they came to know that the case already been decided. Then the appellants applied for the certified copy of the award. Due to death of her husband, the appellant No.1 and their other children have mentally disturbed and they were not in a position to file an appeal against the impugned award.



Moreover, the appellants are very poor person. Due to lack of money they could not file appeal against the impugned award in time. The appellants could not arrange the money in time to file the present appeal. After taking the awarded money which was awarded by the Ld. Tribunal then the appellants reached at Chandigarh on 26.09.2022 and engaged the counsel for filing the appeal and the appeal is being filed on 28.09.2022. Due to the above mentioned reasons the delay has occurred in filing the appeal.”

3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 1050 days in filing the present appeal.

4. It is cardinal principle of law that delay of each day has to be explained. In this regard, reference may be made to a recent judgment of the Hon’ble Supreme Court in **Civil Appeal No. 11794 of 2025** titled as **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and others, 2025 INSC 1104 decided on 12.09.2025, Law Finder Doc Id # 2777666**, wherein it is held that each day's delay has to be explained in a mathematical manner which has not been done by the applicant-appellants. No cogent reason or plausible explanation has been furnished by the applicants for condonation of such an inordinate and unexplained delay in filing the accompanying appeal. Moreover, condonation of such an inordinate delay would be tantamount to declaring the law of limitation obsolete/redundant, without any justification.

5. As such, no ground is made out for condoning inordinate delay of 1050 days. Present application accordingly stands **dismissed**.

**FAO-4753-2022 (O&M)**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.4,27,000/- awarded by the Id. Motor Accident Claims Tribunal, Sonipat (hereinafter “the learned Tribunal”) vide Award dated 14.08.2019 passed in MACP Case No. 123 dated 20.02.2018 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter “the Act”). The 4 claimants are the 63-year-old widow; 37-year-old son; 26-year-old son; and 28-year-old son of the deceased Azad Singh, who was 65 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Azad Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.02.2018 due to the rash and negligent driving of an Auto Rickshaw bearing registration No. HR-69C-5010 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The Tribunal awarded above said compensation along with interest @ 9% per annum. Liability to pay compensation amount was fixed upon respondent No.3-Insurance Company alongwith recovery rights against respondents No.1 and 2 as respondent No.1 had plied 8-10 passengers in the offending vehicle; whereas the seating capacity was only 4.

3. Learned counsel for the appellants seeks enhancement by submitting that income of the deceased has been assessed on the lower side. It is submitted that appellants have duly proven that the deceased



was working as a Mason and was earning Rs.25,000/- per month. Furthermore, learned Tribunal had wrongly deducted 50% towards personal expenses; whereas the same should be 1/4th. Even under the conventional heads, less amount has been awarded by learned Tribunal.

4. It is accordingly prayed that present Appeal be allowed; and the compensation be enhanced in the above manner.

5. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

6. Perusal of the record of the case shows that the pleaded case of the appellants before the learned Tribunal was that prior to the accident, deceased was working as Mason/Contractor and earning Rs.25,000/- per month. Except for the oral testimony of claimant No.1, no proof of income was adduced by the appellants. As such, Tribunal had relied upon judgment of Hon'ble Supreme Court passed in **Smt. Neeta vs. Div. Manager, MSRTC, Kolhapur 2015(1) Law Herald (SC) 105**; wherein it was held that in the absence of salary slip/certificate, the Court has to assess monthly income on the basis of notification under Minimum Wages Act; and had determined income of the deceased as Rs.8,497/- per month (rounded off to Rs.8,500/- per month) on the basis of Notification dated 15.05.2018 issued by Labour Commissioner, Haryana. I find no error in the same.

7. Further age of the deceased was determined to be 65 years at the time of accident on the basis of his Postmortem Report Ex.P1.



Accordingly, no future prospects were liable to be added. Contention of the appellants that the deduction of 50% towards personal expenses has been incorrectly made, is liable to be rejected as, Hon'ble Supreme Court in **Jitender Kumar v. Sanjay Prasad, (SC) : Law Finder Doc Id # 2746903** in identical case wherein deceased was 64-year-old, has held that the claimants being legal representatives of the deceased are entitled to apply for compensation. However, as their dependency upon the deceased was not proved, deduction of 50% was to be made.

8. Further, keeping in view the age of the deceased, learned Tribunal had correctly applied multiplier of 7. Learned Tribunal had further awarded an amount of Rs.70,000/- under the conventional heads; thereby granting total compensation of Rs.4,27,000/-.

9. From the above facts, it is clear that just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. 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 Vs. Jasbir Kaur"** Law Finder Doc ID # 64043 and **"Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another"** (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.



10. The Apex Court in the case of **Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379** has further gone on to hold that: *“Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case.”*

11. Keeping in view the entirety of the above noted facts, the present Appeal is hereby **dismissed** on merits, as well as on grounds of delay.

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

05.03.2026

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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