

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****138****FAO-4049-2024(O&M)****Date of decision: 16.04.2026****Suman & Others****...Appellant(s)****Vs.****Rohit & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Subhash Chander, Advocate
Mr. Sumit Gupta, Advocate
for the appellants.

*********NIDHI GUPTA, J.****CM-14834-CII-2024**

This is an application under Section 5 of Limitation Act for condonation of delay of 124 days in filing the appeal.

It is mentioned in Para 2 of the present application that:-

"2. That the appellants were not aware of their remedy to file an appeal before this Hon'ble Court. It is only on 18.12.2023 when the appellants met their counsel in the Lower Court, he informed the appellants about their right to file an appeal before this Hon'ble Court. Accordingly, the appellants met the present counsel and the present appeal is being now filed without any further delay."

The above cited reason does not constitute sufficient cause to condone extraordinary delay of 124 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 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 124 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.23,34,992/- awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') vide Award dated 23.01.2024 passed in MACP Case CIS No.737 dated 09.12.2022 filed under Sections 166 and 140 of Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the widow, three minor children and parents of deceased Monu, who was 31 years old at time of accident. Present appeal has been filed only by the widow and 3 minor children of the deceased Monu; whereas claimants No.5 and 6/parents of the deceased are pro-forma respondents No.4 and 5 herein.

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 deceased Monu had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.10.2022 due to the rash and negligent driving of Car bearing registration No.HR-05AY-7944 (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 @ 8% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been assessed on the lower side as only Rs.10,243/- per month. It is submitted that deceased was running a Confectionary Shop and earning Rs.25,000/- per month. It is further submitted that nothing has been awarded towards transportation charges. The deceased was a teetotaler and was spending his entire amount towards his family and therefore, no deduction could have been made for personal expenses. Further, while awarding the compensation, the learned Tribunal has ignored inflation. It is accordingly prayed that compensation of Rs.80 lakh be awarded to the appellants.

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. It was the pleaded case of the appellants before the learned Tribunal that deceased was running a Confectionary Shop and earning Rs.25,000/- per month. However, no evidence whatsoever has been led by the claimants to prove the said alleged avocation or income of the deceased. It is not even mentioned as to where the deceased was running a



Confectionary Shop. No Account Statement of the Shop or Bank Account statement of the deceased has been produced to prove the said alleged income. Accordingly, the Tribunal had assessed income of the deceased as that of an unskilled labourer on the basis of the relevant Minimum Wage Notification issued by the Labour Commissioner as Rs.10,243/- per month.

6. Age of the deceased was determined to be 31 years at the time of accident on the basis of his Post-Mortem Report (Ex.P1). Accordingly, learned Tribunal has correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 16. Further, as there were 6 claimants, the learned Tribunal has made a deduction of $\frac{1}{4}^{\text{th}}$ towards personal expenses. Under the conventional heads, the learned Tribunal has awarded Rs.15,000/- towards funeral expenses; Rs.15,000/- towards loss of estate and Rs.40,000/- to each of the six claimants by way of consortium. The contention of the appellants that nothing has been awarded towards transportation expenses is misplaced as claimants have failed to produce any bill to show that any amount was spent on transportation.

7. From the above, it is clear that in the facts and circumstances of the case, a very 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 & Another Vs. Jasbir Kaur & Others**' Law Finder Doc ID # 64043 and '**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty**', (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. In the case of "**General Manager, KSRTC Vs. Susamma Thomas & Others**" 1994 Volume-II SCC 176, the Hon'ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

8. Learned counsel for the appellants is unable to dispute or controvert the aforesaid factual and legal position.

9. In view of the above, present appeal stands **dismissed** on grounds of delay as well as on merits.

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

16.04.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No