



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 12.02.2026

FAO-4806-2024(O&M)

Jamshed

...Appellant(s)

Vs.

Jahid & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Ramandeep Kaur, Advocate for
Mr. Mohammad Arshad, Advocate
for the appellant.

Mr. D.K. Prajapati, Advocate
for respondent No.3.

NIDHI GUPTA, J.**CM-17940-CII-2024**

This is an application under Section 5 of Limitation Act r/w
Section 151 CPC for condonation of delay of 243 days in filing the appeal.

The reason given in the application seeking condonation of
delay of 243 days is contained in Para 3 of the application, which is as under:-

"3. That due to impact of accident, the life of appellant has become helpless, which has not only broken the petitioner mentally, but also caused financial loss, therefore, the appellant was in the paucity of fund and further he was totally unaware about the limitation period to challenge impugned order dated 03.10.2023, when the appellant arranged the fund, he



immediately consulted with the undersigned counsel and file the present appeal, therefore, a delay 243 -days in filing the present appeal has occurred.”

The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 243 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 243 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.1,83,472/- awarded by the Motor Accident Claims Tribunal, Nuh (hereinafter 'the learned Tribunal') vide Award dated 03.10.2023 passed in MACT Case No.68 dated 29.11.2018 filed under Section 166 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 07.08.2018 due to the rash and negligent driving of Car bearing registration No.HR-74-A-8530 (hereinafter “the offending vehicle”) being driven by respondent No.1, and owned by



respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 6% per annum. Respondents were held jointly and severally liable to pay the compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that in the accident in question, the appellant had suffered fracture of his neck due to which he had suffered 10% permanent disability; and had suffered many other grievous injuries. Yet nothing has been awarded to the appellant towards mental and physical agony. Even nothing has been granted towards future prospects. Income of the appellant has also been wrongly assessed as an unskilled labourer whereas the appellant had duly proven that he was working as a milkman. Even rate of interest is on the lower side as only 6%; whereas the same should be 18%. Nothing has been awarded towards transportation charges.

4. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellant and submits that in the present case FIR has been registered after 27 days i.e. on 03.09.2018. It is further submitted 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 appellant.



6. Perusal of record of the case shows that in the Claim Petition, it was the pleaded case of the appellant that in the accident in question, the appellant had fallen down on the road *“and sustained serious and multiple injuries and fracture”*. As per the medical evidence on record, it was proved that in the accident, the appellant had suffered fracture of hip joint besides other multiple injuries. It has been wrongly submitted by learned counsel that appellant has suffered fracture of neck. As per the Disability Certificate (Ex.P1), the appellant had been rendered 10% permanently disabled. The said disability was proved from the evidence of PW4 Dr. Naseem Ahmed, Orthopaedic Surgeon, who had stated that the 10% disability *“was on account of post traumatic operated case of fracture neck of left femur with mild restriction of movements at left hip joint.”* Accordingly, the learned Tribunal had awarded an amount of Rs.20,000/- towards pain and suffering.

7. Further, it was the case of the appellant that prior to the accident, he was working as a Milkman and earning Rs.20,000/- per month. However, the appellant had failed to produce any proof of his avocation or income. Accordingly, the Tribunal had determined income of the appellant as Rs.8542/- per month on the basis of the wages of an unskilled labourer at the relevant time i.e. July 2018; and along with 10% disability, income of the appellant was determined as Rs.10,248/- per year. It is mentioned in Para 23 of the Award that:-



“Therefore, by taking into consideration his income as Rs.8542/- per month, the disability would cause him loss to the extent of $Rs.8542 \times 10\% = Rs.854/-$ per month, i.e. Rs.10,248/- per year.”

8. Furthermore, age of the appellant was determined to be approximately 45 years at the time of accident, on the basis of his Disability Certificate (Ex.P1). Accordingly, the learned Tribunal had applied multiplier of 14; and determined the loss of future income to be Rs.1,43,472/- (Rs.10,248/- x 14). The learned Tribunal has further awarded Rs.10,000/- for transportation expenses; Rs.20,000/- for pain & suffering; and Rs.10,000/- for special diet; thereby granting total compensation of Rs.1,83,472/-.

9. Furthermore, it was pleaded on behalf of the appellant that he had spent ₹1,00,000/- on his treatment. Ld. Tribunal has not granted any amount towards medical expenses. However, from the MLR (Ex.P11) and the Discharge Card (Ex.P3), it is clear that the appellant had remained hospitalised from 07.08.2018 to 27.08.2018. Although it would appear that the appellant has not produced any medical bills, however, in view of the undisputed fact that the appellant had remained hospitalised for the aforesaid period, a sum of Rs.50,000/- is awarded towards medical expenses. Accordingly, compensation awarded to the appellant is reassessed as follows: -



Head	Amount awarded by learned Tribunal	Re-assessed compensation
Transportation charges	Rs.10,000/-	Rs.10,000/-
Pain and suffering	Rs.20,000/-	Rs.20,000/-
Special diet	Rs.10,000/-	Rs.10,000/-
Loss of future income	Rs.1,43,472/-	Rs.1,43,472/-
Medical expenses	-	Rs.50,000/-
Total	Rs.1,83,472/-	Rs.2,33,472/-

10. The contention on behalf of respondent No.3 that FIR has been registered after 27 days i.e. on 03.09.2018, is without merit in view of the fact that the appellant had remained hospitalised up to 27.08.2018. Therefore, there was some delay in registration of FIR. Moreover, the accident has been held to be duly proven; and nothing has been stated by learned counsel for respondent no.3 that said finding has been challenged.
11. In view of the above, present appeal stands **partly allowed**, as above.
12. Pending application(s) if any also stand(s) disposed of.

12.02.2026
Sunena

(Nidhi Gupta)
Judge

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