



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 12.02.2026

FAO-4303-2024(O&M)

Chaman

...Appellant(s)

Vs.

Ramesh Kumar & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Parminder Walia, Advocate
for the appellant.

NIDHI GUPTA, J.CM-15734-CII-2024

This is an application under Section 5 of Limitation Act for
condonation of delay of 414 days in filing the appeal.

The reason given in the application seeking condonation of
delay of 414 days is contained in Para 3 of the application, which is as under:-

"3. That the Impugned Award passed by Ld. MACT, Panchkula dated 19.04.2023 and the appeal was not filed within the limitation period was due to the reason that the Appellant was in the impression that the 90 days has to be calculated from the date of receiving the money from the Insurance Company. It is pertinent to mention here that the Appellant has received compensation amount in the month of June, 2024 and he was in the impression that 90 days calculated from that day only moreover, due to shortage of funds for filing the appeal before



this Hon'ble Court, the Appellant could not approach the counsel within the period of limitation."

The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 414 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 414 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.2,22,000/- awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter 'the learned Tribunal') vide Award dated 19.04.2023 passed in MACP Case No.162 dated 21.12.2019 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 15.07.2019 due to the rash and negligent driving of motorcycle bearing registration No.HR-49-G-8770 (hereinafter



“the offending vehicle”) being driven by and owned by respondent No.1 and insured by respondent No.2. 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 has suffered 10% permanent disability as is evident from the Disability Certificate (Ex.P-37) which was duly proved on record by the appellant. Yet the learned Tribunal has awarded only Rs.20,000/- towards disability compensation. It is further submitted that prior to the accident, the appellant was working in a liquor shop and earning Rs.20,000/- per month. Due to the injuries suffered in the accident, the appellant had remained bedridden for eight months. Yet the learned Tribunal has awarded loss of income to the appellant only for a period of 4 months. It is submitted that the appellant had even required the services of an Attendant during his confinement period. However, nothing has been awarded towards Attendant Charges. Even nothing has been awarded towards Ambulance Charges. It is further submitted that interest should have been awarded @ 18%. Ld. counsel accordingly prays for modification of impugned Award.

4. No other argument is made on behalf of the appellant. 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.



5. As per the Claim Petition, in the accident in question, the appellant had fallen on the road and *“sustained various multiple and grievous injuries on his person.”* It has further been stated in the Claim Petition that after the accident, the appellant was *“rushed to Civil Hospital Sector 6, Panchkula from where he was referred to PGI, Chandigarh where he remained admitted from 15.07.2019 to 25.07.2019.”* As per the medical evidence on record, in particular, MLR (Ex.P3) dated 15.07.2019, the appellant had suffered following injuries:-

“1. Lacerated wound of size 3x1 cm present over left eye lid just below eyebrow. ADV CT head with face & eye opinion & surgeon opinion.

2. Reddish abrasion of size 2x2cm present over left arm. ADV ortho opinion.”

6. Thus, the injuries suffered by the appellant were simple in nature. Further, as per the Disability Certificate (Ex.P-37), the appellant had suffered 10% permanent disability in respect of his left eye and face. As per the Discharge Summary and Follow-up Card of the appellant (Ex.P1), the appellant had remained hospitalised in PGI from 19.07.2019 to 25.07.2019. Keeping in view the above factors, learned Tribunal had awarded Rs.20,000/- towards pain and suffering. The learned Tribunal had further awarded a sum of Rs.10,000/- towards special diet, attendant and transportation charges. Keeping in view the 10% permanent disability of



the appellant, the learned Tribunal had awarded an amount of Rs.20,000/- towards permanent disability @ Rs.2,000/- per per cent of disability.

7. The appellant had also produced medical bills (Ex.P6 to Ex.P-28 and Ex.P-32 to Ex.P-35) showing that he had spent an amount of Rs.1,16,847/- on his treatment. Accordingly, the learned Tribunal had awarded an amount of Rs.1,17,000/- towards medical expenses incurred by the appellant.

8. Further, the appellant has been unable to prove that due to the accident, he had remained bedridden for 7-8 months and had loss of earning for the said period. The appellant was also unable to prove that he had previously been working in a Wine Shop and was earning Rs.20,000/- per month. In this situation, the learned Tribunal had correctly assessed income of the appellant as Rs.13,727/- per month on the basis of DC Rates for the Financial Year 2019-20. In this regard, learned Tribunal has correctly observed that *“Though the petitioner claimed that he remained incapable to earn his livelihood for 7-8 months but keeping in view the nature of job of him and further in absence of any admissible evidence this plea cannot be accepted.”*. Accordingly, the learned Tribunal had awarded an amount of Rs.55,000/- on account of loss of income i.e. Rs.13,727/- x 4; and awarded compensation in the following manner:-

Head	Amount
Pain and mental suffering	Rs.20,000/-
Expenses on medicines	Rs.1,17,000/-



Diet, attendant and transportation charges	Rs.10,000/-
Loss of income	Rs.55,000/-
Compensation on account of permanent disability	Rs.20,000/-
Total	Rs.2,22,000/-

9. The contention of the appellant that less amount has been granted towards attendant and transportation charges, is liable to be rejected as admittedly the appellant has produced no bills to show that he had employed the services of an attendant or that any amount was spent by him on transportation.

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

11. 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