



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-2276-2023(O&M)

Date of decision: 11.02.2026

Harmeet Kaur

...Appellant(s)

Vs.

Pushap Kumar & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Aseem Sharma, Advocate
for the appellant.

NIDHI GUPTA, J.CM-8307-CII-2023

This is an application under Section 5 of Limitation Act for
condonation of delay of 144 days in filing the appeal.

The reason given in the application seeking condonation of
delay of 144 days is contained in Para 2 of the application, which is as under:-

*"2. That the present appeal could not be filed within a period of
limitation due to the reason that the clerk of Counsel for the
Appellant has placed all the documents including the judgment
and the decrees passed by both the Courts below in a wrong
brief (not pertaining to the case in hand). Despite best efforts
made by the counsel and his clerk the documents pertaining to
case in hand were not traceable/located."*

The above cited reason is vague and does not constitute
sufficient cause to condone extraordinary delay of 144 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 144 days. Present application accordingly stands **dismissed**.

CM-8308-CII-2023

This is an application under Section 151 CPC for condonation of delay of 66 days in re-filing the appeal.

The only reason given for condoning such inordinate delay is:

"2. That the present appeal could not be refiled within a period of limitation due to the reason that the petition got displaced in the registry during the process of filling That despite best efforts made by the counsel and his clerk the documents pertaining to case in hand were not traceable/located."

The Law of Limitation is enacted with a purpose, as a hand-maid of Justice and cannot be ignored/reduced to an ineffective piece of legislation by giving it the complete go-by. With passage of time, rights of the parties get crystallised. It is the bounden duty of every litigant to pursue his case diligently; and it is also the bounden duty of this Court to ensure that justice inures to both parties concerned.

It is my considered view that keeping in mind the totality of the facts and circumstances of the case, the reasons cited by the applicant



for condonation of delay, do not constitute sufficient cause. In view of above, present application is **dismissed**.

FAO-2276-2023

Present appeal has been filed by the sole claimant seeking enhancement of compensation of Rs.11,21,664/- awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter 'the learned Tribunal') vide Award dated 06.03.2020 passed in MACP Case No.34/2018 filed under Section 166 read with Section 146 of the Motor Vehicles Act (hereinafter "the Act"), on account of death of her son Damanpreet Singh @ Daman, who was 22 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 Damanpreet Singh @ Daman had died due to the injuries suffered by him in a motor vehicular accident that took place on 19.03.2018 due to the rash and negligent driving of Truck bearing registration No.HP-24-C-7500 (hereinafter "the offending vehicle") being driven and owned by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 9% per annum. Respondent No.2 was held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that meagre amount has been awarded under



loss of estate. Income of the deceased has also been taken on the lower side. There is error in assessment of quantum of loss of dependency. Interest should be 12%. It is accordingly prayed that the impugned Award be modified.

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. Perusal of record of the case shows that it was the pleaded case of the appellant before the learned Tribunal that prior to the accident, the deceased was working in a Garment Shop and was earning Rs.10,000/- per month. However, admittedly, the appellant has failed to lead any evidence whatsoever to prove the said alleged avocation or income of the deceased. Accordingly, the learned Tribunal in terms of the Labour Notification dated 23.10.2018, had taken income of the deceased as that of an unskilled worker as Rs.7,220/- per month. I find no error in the same.

6. Age of the deceased was determined to be 22 years at the time of accident, on the basis of his Post-Mortem Report (Ex.C1). Accordingly, the learned Tribunal had granted future prospects @ 40%; and correctly applied multiplier of 18. As deceased was bachelor prior to the accident, deduction of 50% has been correctly made. Learned Tribunal has further awarded Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.



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 appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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. A 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of "**Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379**"; has held 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."

9. Even otherwise, as per judgment of the Hon'ble Supreme Court in **(SC) SLP No.13931 of 2017** titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"** Law Finder Doc ID # **977386**, it has been held that where difference in compensation is about 4 to 5 per cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

10. This above-said judgment of the Hon'ble Supreme Court has been followed by the Kerala High Court in **"The Managing Director, Divisional Controller Versus Alikutty and Others"** Law Finder Doc Id # **1885188**. Relevant para 18 of the said judgment is reproduced below:-

*"18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which there cannot be any straightjacket formula based on mathematical precision. In **New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619]**, the Hon'ble Supreme Court has held that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards".*



11. Above said view has been reiterated by the Kerala High Court in “**Reliance General Insurance Company Limited Vs. Adila and Others**”,

Law Finder Doc ID # 1921609, paras 16 and 17 of which read as under:-

“16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.

17. In New India Assurance Co., Ltd v. Vineesh.J[2018 (3) SCC 619], the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent.”

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

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

11.02.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No