



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4558-2024 (O&M)
Date of decision: 17.02.2026

Meenakshi and another

...Appellant(s)

Vs.

Phool Chand and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Yogesh Saini, Advocate for
Mr. Sarun Hans, Advocate
for the appellants.

NIDHI GUPTA, J.CM-16930-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 284 days in filing the appeal.

2. The only reason cited by learned counsel for the applicant/appellants in the abovesaid application for condonation of 284 days delay in filing the appeal is as under:-

"2. That the impugned judgment was passed on 21.08.2023 and the appellant could not contact his counsel. Thereafter appellant contacted his counsel and asked about the award amount on which the petitioner was kept in dark by his counsel and in April 2024 the appellant instructed the same counsel to get file an appeal against the impugned award before Hon'ble High Court. The appellant being in state of depression due to the pain, mental agony suffered by him from the aforesaid accident, remained ill and he does not have any knowledge about the technicalities of law and when the appellant in May 2024,



enquired about the status of appeal from other counsel, he got to know that the same has not been filed by his previous counsel.

3. That the counsel for the appellant applied for certified copy on dated 14.5.2024 and received on 15.05.2024 of the aforesaid award which clearly shows that the delay of 284 days in filing the present appeal has occurred which is neither intentional nor willful but due to the reason mentioned above.”

3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 284 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-appellant. No cogent reason or plausible explanation has been furnished by the applicant 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 284 days. Present application accordingly stands **dismissed**.

**FAO-4558-2024 (O&M)**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.18,91,400/- awarded by the learned Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as “the learned Tribunal”) passed in MACT Petition No. 124 dated 05.05.2016; as also to the parents of the deceased who had filed separate Claim Petition bearing MACT Petition No. 179 dated 02.07.2016; vide common Award dated 21.08.2023 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The 2 claimants are the 25-year-old widow; and minor child of the deceased Jai Parkash, who was 20 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Jai Parkash had died due to the injuries suffered by him in a motor vehicular accident that took place on 23.01.2016 due to the rash and negligent driving of a Truck bearing registration No. GJ-12AY-8569 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2 and insured by respondent No.3. The above said compensation was awarded along with interest @ 9% per annum. All the respondents were held jointly and severally liable to pay the amount 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.8,000/- p.m.; whereas the appellant had proven on record that the deceased was a Motor Mechanic and was earning about



Rs.20,000/- per month. It is further submitted that at least Rs.1 lac ought to have been granted for funeral expenses; and Rs.50,000/- for transportation. It is further prayed that Rs.2 lacs each should be awarded on account of loss of love and affection; Rs.1 lac for loss of estate; and Rs.2 lacs for consortium. Rate of interest should be 18% instead of 9%. It is accordingly prayed that the present appeal be allowed and compensation be enhanced as above.

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

5. No other argument is raised on behalf of learned counsel for the appellants. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the appellants.

6. It was the pleaded case of the appellant before the learned Tribunal that prior to the accident, deceased was working as a Motor Mechanic and was earning Rs.20,000/- per month. Present claimant/appellant No.1 had appeared as PW1 and categorically stated that the deceased was working as Motor Mechanic in auto market and was earning Rs.20,000/- p.m. It is to be noted that in the connected Claim Petition No. 179 dated 02.07.2016, filed by parents of the deceased, it has been claimed that deceased was earning Rs.30,000/- p.m. Thus, there is disparity in the income of the deceased as claimed by the Claimants themselves. Nonetheless, the appellants have failed to produce any evidence in this regard. No proof of avocation or income was produced by the

claimants. Accordingly, learned Tribunal had taken income of the deceased as a daily wager as Rs.8,000/- p.m. I find no error in the same.

7. Further, age of the deceased was determined to be 20 years at the time of accident on the basis of his Post Mortem Report. Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 18. As there were 4 claimants in all in both the Claim Petitions, learned Tribunal had correctly made a deduction of 1/4th towards personal expenses of the deceased. Under the conventional heads, learned Tribunal had awarded Rs.44,000/- towards loss of consortium, Rs.16,500/- towards loss of estate; and Rs.16,500/- towards transportation and funeral expenses. Accordingly, learned Tribunal has calculated the compensation in the following manner: -

Sr. No.	Heads of claim	Calculation (in Rs.)
1.	Income	Rs.8,000/-p.m.
2.	40% future prospects	Rs.3,200/-
3.	Total income	Rs.11,200/-p.m.
4.	1/4th deduction	Rs.2,800/-
5.	After deduction, income	Rs.8,400/- p.m.
6.	Annual income of the deceased	Rs.8,400 x 12 = Rs.1,00,800/-
7.	Compensation after applying multiplier of 18	Rs.1,00,800 X 18 = Rs.18,14,400/-
8.	Loss of consortium	Rs.44,000/-
9.	Loss of estate	Rs.16,500/-
10.	Transportation and funeral expenses	Rs.16,500/-
11.	Total compensation	Rs.18,91,400/-

8. 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.

9. 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.”*

10. 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.

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

17.02.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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