



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-966-2023(O&M)

Date of decision: 20.03.2026

Sanjeev Kumar & Another

...Appellant(s)

Vs.

Lakhwinder Kaur & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Parunjeet Singh, Advocate
for the appellants.

NIDHI GUPTA, J.CM-3851-CII-2023

This is an application under Section 5 of Limitation Act for condonation of delay of 149 days in filing the appeal.

The reason given in the application seeking condonation of delay of 149 days is contained in Para 2 of the application, which is as under:-

"2. That the delay of 149 days in filing the present appeal has been occurred on account of the fact that the appellants are poor person and as such they were not in a financial position to engage the counsel to file an appeal for enhancement before this Hon'ble Court."

The above cited reason is does not constitute sufficient cause to condone extraordinary delay of 149 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 149 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.3,85,050/- awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter ‘the learned Tribunal’) vide Award dated 24.08.2021 passed in MACP/310/2017 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 appellant had suffered injuries in a motor vehicular accident that took place on 18.08.2017 due to the rash and negligent driving of Car bearing registration No.PB-08-DD-0604 (hereinafter “the offending vehicle”) being owned by respondent No.1, driven by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents No.1, 2 and 3 were held jointly and severally liable for payment of compensation.

3. Ld. counsel for the appellant seeks enhancement of compensation by submitting that the appellant had submitted medical bills for an amount of Rs.9,24,192/-. However, only an amount of Rs.3,12,000/-



has been reimbursed to the appellant by way of medical bills. It is submitted that the learned Tribunal has incorrectly calculated the amount to be paid to the Appellant on account of the injuries so ensued. The medical bills of the appellant amount to Rs. 9,24,192. The Ld. Tribunal has incorrectly held that some of the bills were advance bills and adjusted in the final bill i.e. Ex. 161 and 162. It would be apposite to state that the said final bills have specific columns for adjustment of advances so paid and the same are blank.

4. It is further submitted that in the accident in question, the appellant had sustained injuries on his head and right wrist. Therefore, the amount granted for pain and suffering deserves to be enhanced. Further, interest of 9% granted is on the lower side and the same should be 24%. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified as above.

5. 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.

6. Perusal of record of the case shows that it is the pleaded case of the appellant before the learned Tribunal that 18.08.2017 at about 06:45 PM the claimant along with his paternal uncle Satish Kumar were going to Bilga on motorcycle bearing registration No. PB-08-CR-2077 being driven by the injured. When the claimant and his paternal uncle reached near Deol Tyre, then one car colour white being driven by the respondent No. 2 came from



backside in a very rash and negligent manner and at a very high speed and struck into the motorcycle of the injured, due to which the injured fell down on the roadside and suffered multiple and grievous injuries on his person including head injury. The injured was taken to Civil Hospital, Phillaur, District Jalandhar, in an ambulance, thereafter providing first aid to the injured, where he was referred to Arora Neuro Centre, Ludhiana, where he remained admitted for the period of 18.08.2017 to 11.09.2017 and he is still under treatment as outdoor patient. The doctors of the said hospital attended on the injured.

7. To prove his case, the claimant Sanjeev Kumar had examined himself as CW1; Satish Kumar, eyewitness as CW2; Sourabh, Assistant Accountant of Arora Neuro Centre as CW3; and Vikrant Singh, Junior Assistant, Department of Veterinary Pathology, College of Veterinary Science, GADVASU, Ludhiana as CW4; besides documentary evidence.

8. As per the claimant, in the accident in question, he had suffered multiple and grievous injuries including injuries on his head and fracture on the right wrist. However, it is to be noted that claimant has not examined any doctor to prove the said injuries. Even no Disability Certificate has been placed on record by the claimant to show that he has suffered any permanent disability as a result of the injuries purported to have been suffered by him. In this view of the matter, contention of the claimant that doctors of the said hospital attended on the injured remains unsubstantiated. Thus, learned



Tribunal has correctly held that claimant is not entitled for any additional benefits on account of said injuries stated to have been suffered by him.

9. It was further the pleaded case of the claimant before the learned Tribunal that he was employed as DPL for handling dead animal carcasses and conducting the post-mortem as Post-mortem Hall in Department of Veterinary Pathology, College of Veterinary Science, GADVASU, Ludhiana; and he was drawing a salary of Rs.10,000/- per month. To prove the same, the claimant has examined CW4 Vikrant Singh, Junior Assistant, who has proved the record Ex.CW4/1 and CW4/2 pertaining to leave taken by the claimant; as also Salary Record of the claimant as Ex.CW4/3, as per which claimant was working on daily wages at the rate of Rs.291.51/-paise per day. As per Ex.CW2/4, claimant had rejoined services in the month of November and had not been able to joint duty from 18.08.2017 to 31.10.2017 i.e. for a period of 45 days. Even though the claimant had been unable to prove his injuries, leaned Tribunal had taken income of the claimant as Rs.290/- per day and awarded an amount of Rs.13,050/- towards loss of income.

10. It has been contended by the claimant that claimant had produced bills for an amount of Rs.9,24,192/-, however, only an amount of Rs.3,12,000/- has been reimbursed. In this regard, the following observations of the Tribunal in Para 15 of the impugned Award are relevant as follows:-



“15. Perusal of record shows that claimant has placed and proved on record bills (Ex.C2, Ex. C3, Ex. C5, Ex. C6, Ex. C7, Ex. C8, Ex. C10, Ex. C11, Ex. C12, Ex. C14, Ex. C15, Ex. C17, Ex. C18, Ex. C19, Ex. C20, Ex. C24, Ex. C31, Ex, C51 to Ex.C159, Ex.161 and Ex,162) with respect to amount, which he has spent on his treatment. These bills have been proved on record by the claimant by examining himself CW1 and CW3 Sourabh, Assistant Accountant Arora Neuro Central, Ludhiana. Further Sanjiv Kumar admitted in his cross-examination that it is correct that Ex.C4, Ex. C9, Ex.C13, Ex. C16, Ex. C21, Ex. C23, Ex. C26, Ex. C27, Ex. C28, Ex. C29, Ex. C30 are the receipts for advance payments and the amounts of the said advance receipts are adjusted in the Main final Bill raised by Arora Neuro Centre. He further admitted that Ex.C32 to Ex. C46 the receipts whereby Arora Neuro Centre has called upon him to deposit advance payments. He further admitted that it is correct that Ex. C47 to Ex. C50 are not legible and not readable. Ex.C47 to Ex. C50 are the slips of withdrawal of money from the ATM by him or his family members. Further CW3 also admitted that Ex.C4, Ex. C9, Ex. C13, Ex. C16, Ex. C21, Ex. C23, Ex. C25 to Ex. C30 are the receipts of advance payments the amount of which are included in Ex.161 which is the final Bill. Ex.C162 is package bill from 06.09.2017 to 11.09.2017. He further admitted that Ex.C32 to Ex.46 are the advises issued by the patient to the Hospital to deposit the amount as advance to be adjusted in the final bills Ex.47 to Ex.C50 are not legible. Ex.C47 to Ex.C50 are the receipts of the swipe payment through debit card or credit against the advance or final bill, which are produced by the Hospital and the amount of the payment made through credit card vide Ex.47 to Ex.C50 are against the final bills



Ex.C161 and Ex.C162. Hence, court is of the opinion that claimant is entitled for compensation to the extent of amount, which he spent on his treatment that comes to Rs.3,12,000/- besides compensation on account of pain, suffering, loss of income.”

11. Learned counsel for the claimant has been unable to prove that the advance payments purported to have been made by him were actually retained by the Hospital; and if so, vide which receipts. Therefore, the learned Tribunal has correctly held that claimant was unable to prove the advance payments stated to have been made by him. The claimant has also been unable to prove as to how much of the advance was retained by the Hospital; on which date; vide which receipts; and how much was received back by the claimant. The claimant has also not shown as to in what manner these advance payments were made i.e. in cash or by credit/debit card or through online transfer. Thus, the learned Tribunal has rightly made payment of medical expenses actually spent by the claimant.

12. It is also to be noted that in the face of the fact that injuries of the claimant have not been proved by examining any doctor, he cannot be held entitled for enhancement of compensation for amount of ₹20,000/- granted for pain and suffering.

13. Further, the learned Tribunal has granted compensation in the following manner: -



Head	Amount
Medical expenses	Rs.3,12,000/-
Pain and suffering	Rs.20,000/-
Special diet	Rs.20,000/-
Loss of earning during the period of treatment	Rs.13,050/-
Transportation charges	Rs.20,000/-
Total	Rs.3,85,050/-

14. From the above, it is clear that in the facts and circumstances of the case, a more than 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.



15. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

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

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

20.03.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No