IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123 **FAO-5431-2024 (O&M)**
Date of decision: 17.03.2026

Amarjeet and others **...Appellant(s)**

Vs.

Morpal Gurjar and others **...Respondent(s)**

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Bhumika Khatri, Advocate for
Mr. Davneet Sangwan, Advocate
for the appellants.

***

NIDHI GUPTA, J.

CM-20601-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 460 days in filing the accompanying appeal.

2. The only reason cited by learned counsel for the applicant/appellants in the abovesaid application for condonation of 460 days delay in filing the appeal is as under:-

> *"2. That the applicants are poor and illiterate persons as well as living in the Village. They were informed by their counsel only on 07.01.2024, that they are required to file an appeal before the Hon'ble High Court, But could not approach counsel in the High Court due to the money problem and after their best efforts they could contact the present counsel only on 25.09.2024, then they handed over the brief alongwith all the documents to the present counsel for filing the appeal, and the appellants were*

having no knowledge regarding the limitation period and the same is filing today and in this way the delay of 477 days had occurred, which is a bonafide and un-intentional delay, therefore, same may kindly be condoned, in the present case in the interest of justice."

3. The said reason is vague and does not constitute sufficient cause to condone extraordinary delay of 460 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-appellants. No cogent reason or plausible explanation has been furnished by the applicants 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 460 days. Present application accordingly stands **dismissed**.

<u>FAO-5431-2024 (O&M)</u>

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.36,55,000/- awarded by the learned Motor Accidents Claims Tribunal, Jind (hereinafter referred to as “the learned Tribunal”) vide Award dated 20.04.2023 passed in MACP Case No. 106 dated 17.09.2020 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The 4 claimants before the learned Tribunal are the two minor daughters; widow; and father the deceased Balmat, who was 45 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-Rakesh Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 12.08.2020 due to the rash and negligent driving of a Tralla bearing registration No. RJ-52-GA-3305 (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 @ 7.5% per annum. All the respondents were held 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.22,000/- p.m.; whereas the same should have been Rs.50,000/- p.m. It is submitted that consortium ought to have been awarded @ Rs.48,000/- to each claimant. Even compensation under the conventional heads are also on the lower side; and Rs.18,000/- each should have been awarded towards funeral expenses and loss of estate; and

₹48,000/- to each claimant towards consortium. Interest is also only 7.5% p.a., whereas the same ought to have been 12% p.a.

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. Perusal of the record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident, deceased was a transporter and driving his own heavy transport vehicle bearing registration No. HR-56B-6781 and was earning Rs.70,000/- p.m. To support their contention, appellants had produced the loan account statement Ex.P2 of the deceased to show that deceased was paying monthly installments of Rs.44,585/- p.m. However, perusal of Ex.P2 shows that father of the deceased/claimant No.4 is a co-applicant in the said loan account. This fact has been admitted by PW4 Harish from the office of Sales Manager HDB Financial Services Branch, Narwana, Jind who had brought the summoned record in respect of the loan account of the deceased. Even nothing to the contrary has been shown by the appellants to this Court. The appellants have produced no Income Tax Return of the deceased to show that he was earning Rs.70,000/- p.m. or more than Rs.22,000/- p.m. Accordingly, learned Tribunal had assessed the monthly income of the deceased as Rs.22,000/- per month. I find no error in the same.

7. Age of the deceased has been determined to be 45 years at the time of accident on the basis of his Aadhar Card Ex.P12; wherein his date of birth is mentioned as 06.07.1974. Accordingly, learned Tribunal has correctly made an addition of 25% towards future prospects; and applied multiplier of 14. As there were 4 claimants, Tribunal has correctly made deduction of 1/4th towards personal expenses; thereby calculating loss of dependency to be Rs.34,65,000/-. Under the conventional heads, learned Tribunal has awarded Rs.15,000/- towards funeral and last rites et cetera expenses; and Rs.15,000/- towards loss of estate; and Rs.40,000/- to each claimant for loss of spousal and filial consortium. Thereby granting total compensation of Rs.36,55,000/– in the following manner: -

Sr. No.	**Heads**	**Calculation (in Rs.)**
(i)	Loss of dependency (Rs.2,47,500/- x 14)	Rs.34,65,000/-
(ii)	Funeral & last rites etc. expenses	Rs.15,000/-
(iii)	Loss of Estate	Rs. 15,000/-
(iv)	Loss of consortium to petitioners No. 3, being wife) Loss of filial consortium to petitioners no.1,2 and 4 (Rs.40,000/- each)	Rs.40,000/- Rs. 1,20,000/-
	Total:	Rs.36,55,000/-

8. From the above facts, it is clear that a more than 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 present Appeal is accordingly **dismissed** on merits, as well as on grounds of delay.

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

17.03.2026 **(NIDHI GUPTA)**

Divyanshi **JUDGE**

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