

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-6601-2023(O&M)
Date of decision: 19.01.2026

Bhateri

...Appellant(s)

Vs.

Sanjay and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Saurabh Dalal, Advocate
for the appellant.

NIDHI GUPTA, J.

CM-22810-CII-2022

This is an application under Section 5 of Limitation Act for condonation of delay of 522 days in filing the appeal.

The only reason cited in the application for not filing the present appeal within limitation is in Para 2, which reads as follows:-

"2. That the appellant is a poor widow who has no source of income and has now arranged the funds for engaging a counsel and has come to this Hon'ble court without any further delay.."

The said averments of the applicant/appellant are vague and general, and do not constitute sufficient cause for condonation of inordinate and extraordinary delay of 522 days in filing the present appeal. Present application accordingly stands **dismissed**.

MAIN CASE

The appellant/claimant is the 53-year-old mother of deceased Virender who was 33 years old at the time of accident. Claim petition was filed by the appellant under Section 166 of the Motor Vehicles Act, claiming compensation on account of death of Virender in a motor vehicle accident that took place on 07.06.2019 due the alleged rash and negligent driving of the tractor bearing registration No.HR-15-D-5950 by respondent No.1. The offending tractor was owned by respondent No.2 and insured by respondent No.3. Proforma respondent No.4 is the widow of deceased.

2. Upon appraisal of pleadings and oral and documentary evidence adduced by the parties the learned Tribunal had given a finding on issue No.1 that the accident in question had occurred due to the rash and negligent driving of the offending vehicle by respondent No.1.

3. It has further come on record that prior to his death deceased-Virender was working as Assistant Lineman at UHBVNL, Rohtak and was drawing a total salary of Rs.46,482/- per month and net salary of Rs.42,166/- per month. Age of deceased was proved to be 33 years at the time of accident on the basis of his Matriculation Certificate (Ex.R3) as per which his date of birth is shown as 10.8.1985. Accordingly, learned Tribunal had made an addition of 40% towards future prospects and applied multiplier of 16. As dependents were 2 in number, learned Tribunal had made a deduction of 1/3rd towards personal expenses. Under the conventional heads, Rs.15,000/- has been awarded towards loss of estate;

Rs.40,000/- towards loss of consortium; and Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.83,99,584/-

4. It was also brought to the notice of the learned Tribunal that the deceased being an employee of UHBVNL, compensation amount of Rs.93,03,840/- was received by the family of the deceased. As such learned Tribunal had held that *“As observed in findings of issues No.2 that the petitioners are entitled for an award of Rs.83,99,584/- but since they are getting family assistance/pension to the tune of Rs.93,03,840/- i.e. more than compensation awarded by this court and therefore, nothing is to be paid by the respondent No.3. As such in view of above said terms, the present petition is hereby disposed of.”*

5. It is inter alia contended by learned counsel for the appellant/claimant that the entire amount of compensation of Rs.93,03,840/- as granted by the State has been received by the respondent No.4 and nothing has been received by the appellant. It is submitted that the appellant being widowed mother of the deceased, was totally dependent upon her deceased son. It is submitted that as the entire amount of compensation paid by the UHBVNL has been received by respondent No.4, learned Tribunal was in error in not awarding any compensation to the appellant.

6. Ld. Counsel further contends that as per Notification issued by the UHBVNL, no compensation is to be paid to the appellant, being mother of the deceased and the entire amount is to be paid only to respondent

No.4 who is widow of deceased. It is submitted that the Notification does not cover parents of the deceased. It is accordingly prayed that the impugned award be modified or enhanced and the appellant be granted a suitable amount to sustain herself in the interest of justice.

7. 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.

8. The submissions made on behalf of the appellant are liable to be rejected as, learned Tribunal in Para 48 of the impugned Award has categorically recorded that *"The petitioner and proforma respondent No.4 will get amount to the tune of Rs.93,03,840/- as family assistance..."* The appellant is unable to controvert this finding/observation recorded by the learned Tribunal in the impugned Award. It is not the case of the appellant that this observation has been incorrectly recorded. Even on a Court query, Id. Counsel does not state that the aforesaid observation of the Learned Tribunal is incorrect.

9. However, the appellant has relied upon some alleged Notification as per which parents are not entitled to the compensation. However, no such Notification issued either by the UHBVNL or by the State of Haryana, has been produced by learned counsel for the appellant. Even no details, such as date, notification number, et cetera, of the said alleged Notification have been mentioned by the learned Counsel. In any event on a Court query learned counsel for appellant is unable to inform this Court

as to why if there was such a Notification why the same was not brought to the notice of the learned Tribunal. Even on repeated Court queries learned counsel for the appellant has submitted that he has no such Notification in his possession and is therefore unable to produce the same.

10. Reference may be made to a recent judgment of the Hon'ble Supreme Court in *Krishna v. Tek Chand, (SC) : Law Finder Doc ID # 2531576*, wherein it is held that the family of a deceased in a motor accident cannot seek "double benefits". If the family has received benefits from the State Government on account of the death of the deceased, then such benefits are liable to be deducted from the compensation payable under the Act.

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

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

19.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No