SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010167012026 2026:UHC:9589
			UKHC010167012026 **AO/363/2026** The United India Insurance Company Ltd --Petitioner **Versus** Sushmita Tomar --Respondent **Hon'ble Rakesh Thapliyal, J.** Mr. D.C.S. Rawat, learned senior counsel assisted by Mr. Harshit Bisht, learned counsel for the appellant. 2. The instant appeal from order has been preferred by the appellant, herein, "United India Insurance Company" under Section 173 of the Motor Vehicles Act, 1988 against the judgment and award dated 29.01.2025, passed by the Motor Accident Claims Tribunal, Vikasnagar, District Dehradun in MACP No.34 of 2023, "Km. Sushmita and another Vs. Deewan Singh and another". 3. By the impugned award the learned Motor Accident Claims Tribunal allowed the claim petition filed by the respondent/claimants and awarded a total compensation of Rs.12,89,993/- along with interest @ 7% per annum from the date of filing of the claim petition. 4. The instant appeal is filed along with an application under Section 5 of the Limitation Act seeking condonation of an extraordinary delay of 506 days' in filing the present appeal. 5. Learned senior counsel for the appellant/Insurance Company submits that the copy of the impugned award was sent for seeking legal opinion on 31.01.2025 and was received back on 03.02.2025 and during this period the Insurance Company found mathematical calculation error in the computation of the amount of compensation under the award. Consequently, the Company issued the notice to the claimants for the refund of

			the excess amount and subsequently filed a miscellaneous case before the learned Tribunal but ultimately the same was dismissed on 01.08.2026. 6. It is contended that the time consumed in pursuing this alternative remedy before the learned Tribunal was under a bonafide belief and constitute a sufficient cause for condonation of the delay. 7. This Court has carefully examined the explanation as given in the delay condonation application. The limitation to prefer the appeal under Section 173 of the Motor Vehicle Act, 1988 is 90 days' and the reason for pursuing the alternative relief cannot be said to be a bonafide and admittedly there is an inordinate delay in preferring the appeal, and as such, this Court is of the view that the appellant fail to provide day-to-day explanation for the long period of delay in preferring the appeal, therefore, the application for condonation of the delay lacks merit and is hereby rejected. In addition to this, this Court have also examined the merit part of the appeal and also evaluated the findings of the learned Tribunal. 8. Briefly stated on 29.05.2023, the deceased – Pooran Singh, who was 52 years old boarded a Utility Vehicle bearing Registration No.UK16CA 0337. The driver of the Vehicle admittedly driving the vehicle in rash and negligent manner causing the vehicle to lose control and fell down into the *tons river*, consequently the deceased died on the spot. His wife Smt. Samo Devi, also sustained grievous injuries in the same accident and during treatment in the Hospital, she also died on 30.05.2023. Thereafter, the claim petition was moved by the surviving dependents, the son and the aged father. 9. The learned Tribunal admitted the claim petition and frame three issues for the adjudication and all the issues were decided in favour of the claimants. The vehicle in question was also insured and there are sufficient evidence that the vehicle

was driven in rash and negligent manner by the driver, though the Insurance Company contended that there was a violation of the permit, however, there is no dispute that the policy was verified and found to be valid on the date of the accident i.e. on 29.05.2023 and there is no any breach of any conditions and the learned Tribunal rightly decided all these issues. The learned Tribunal also have not erred in recording the finding with regard to the future prospects. The Tribunal balance the loss of the dependency of the surviving son and elderly father by applying a comprehensive consolidated computation and other expenses also.

10. Consequently, this Court does not find any illegality in the impugned award.

11. In view of the discussion as above, the instant appeal from order fails and is dismissed on delay as well as on merit. No order as to costs.

12. The statutory amount of Rs.25,000/- deposited by the appellant before this Court at the time of filing of the appeal shall be remitted to the Tribunal immediately. The appellant/Insurance Company is directed to deposit the entire remaining outstanding amount in terms of the award along with accrued interest before the Tribunal within a period of six weeks from today, failing which the claimants shall be at liberty to execute the award against the appellant/Insurance Company as per law.

(Rakesh Thapliyal, J.)
26.10.2026

Nitesh/