

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****122****FAO-183-2025(O&M)****Date of decision: 07.08.2025****Mahender****...Appellant(s)****Vs.****Mukesh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Mohan Singh Rana, Advocate
for the appellant.

NIDHI GUPTA, J.
CM-660-CII-2025

This is an application under Section 5 of Limitation Act for condonation of delay of 227 days in filing the appeal.

The only ground on which condonation of such an extraordinary and inordinate delay of 227 days is sought, is contained in para 2 of the abovesaid application, which reads as follows: –

“2. That the appellants is unable to file the present appeal within time due to the financial conditions of the appellant and they arrange the funds for filling the appeal from there near and dears and now filing the present appeal before this Hon’ble Court without any further delay. Therefore, in this process a delay of 227 days has occurred, which is neither intentional nor deliberate but due to the reasons mentioned above.”

The above cited reason is utmostly vague and does not constitute sufficient cause to condone extraordinary delay of 227 days in



filing the appeal. It is cardinal principle of law that delay of each day has to be explained. As such, no ground is made out for condoning inordinate delay of 227 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.65,000/- awarded by Motor Accident Claims Tribunal, Palwal vide Award dated 29.01.2024 passed in Case No.258 dated 17.08.2017 filed under Sections 166 & 140 of the Motor Vehicles Act.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant/claimant had suffered injuries in the motor vehicular accident that took place on 16.05.2017 due to the rash and negligent driving of canter bearing registration No.DL-1-LK-4566 (hereinafter "the offending vehicle") by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The afore-said compensation has been awarded along with interest @ 7% per annum from the date of filing the claim petition till realisation. Respondent No.3- Insurance Company is liable to pay the amount of compensation.

3. It is inter alia submitted by learned counsel for the appellant/injured-claimant that the impugned compensation is on the lower side as not even a single penny has been granted to the appellant on account of hospitalisation; whereas the appellant remained in hospital for many days.



The appellant has also suffered disability on account of this incident, but the Tribunal has not awarded a single penny on this head. The appellant has spent Rs.1,50,000/- on his treatment, conveyance, attendant, special diet, etc., however, this has not been reimbursed to the appellant. Prior to the accident, the appellant was a strong, healthy person doing labour work and earning Rs.15,000/- per month but after the accident, he has become disabled person and is unable to walk properly. The appellant was the only bread-earner of his family and all family members were dependent on his income. Ld. counsel accordingly prays for modification of impugned Award.

4. No other argument is made on behalf of the appellant.
5. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellant.
6. It was the pleaded case of the appellant before the learned Tribunal that: -

“2. Brief facts of the claim petition as averred by the petitioners are to the effect that on 16.05.2017, injured Mahender along with his wife was going to his village Tehraki on motorcycle bearing registration no. HR-29-8175 from Palwal. That Mahender was riding motorcycle and his wife Malti was pillion rider. At about 09:45 a.m. when they reached a little ahead of Dhatir near Pipe factory one Eicher Canter came from Sohna side at a very high speed being driven in a rash and negligent manner and hit the motorcycle of petitioner Mahender. Due to the impact, the petitioner Mahender and his wife fell on the road and the driver of the offending vehicle fled away from the



spot after leaving the offending vehicle there. That his wife Malti succumbed to the injuries and died on the spot whereas petitioner Mahender sustained injuries in this accident and also noted down the number of the offending vehicle as DL-1-LK-4566. That driver of the offending vehicle caused the accident by driving his vehicle at a very high speed and in rash and negligent manner. That the petitioner Mahender was aged 36 years at the time of accident and was earning Rs. 15,000/- per month. That petitioner Mahender received grievous injuries as described in the MLR prepared in government hospital Palwal. FIR no.386 dated 16.05.2017 under sections 279, 337 and 304A of IPC was lodged against the respondent no.1. That petitioner Mahender spent an amount of Rs.1,50,000/- on his treatment, conveyance, attendants and special diet etc. That prior to the accident, the injured was a strong and healthy person and was doing labour work and he was earning Rs. 15,000/- per month but after the accident, he has become a disabled person and is unable to walk properly. That the petitioner Mahender was only bread earner in the family and all the family members were dependent upon his income. That accident took place due to sole negligence of respondent no.1.

In the second claim petition MACP No.257 of 2017, it has been averred that deceased Malti was an energetic and hard-working lady who was discharging her household work perfectly. That she was doing work of milk vending and was earning Rs. 12,000/- per month.”



7. Despite repeated Court queries, learned counsel for the appellant is unable to enlighten this Court in respect of the exact nature and extent of injuries suffered by the appellant in the accident in question. The Claim Petition as well as the record reveals that it has only been very vaguely mentioned that the appellant had received five injuries. No medical evidence was adduced by the appellant to reveal the nature or extent of the said injuries. The MLR placed on the Court file was not exhibited. Further, the appellant claimed to have spent Rs.1.5 lakh on his treatment. However, he has admitted during his cross-examination that he had undergone treatment at the Government Hospital where admittedly treatment is given for free. Even no bills of any treatment or medical expense were produced by the appellant. Even the dates on which the appellant allegedly remained hospitalised are not mentioned. No Disability Certificate has been produced. Accordingly, the learned Tribunal had correctly concluded that the appellant had not suffered any permanent disability on account of the accident dated 16.05.2017. Thus, the appellant was also unable to prove that he was unable to do his regular labour work because of the accident. In these circumstances, learned Tribunal had awarded compensation of Rs.65,000/- in the following manner:-

Loss of earnings	Rs.15,000/-
Damages for pain, suffering and trauma	Rs.50,000/-
Total	Rs.65,000/-



08. In view of the facts noted above, I find no error in the compensation awarded by the learned Tribunal. The present appeal is hereby, **dismissed**.

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

07.08.2025

Sunena

**(Nidhi Gupta)
Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No