



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-303-2025 (O&M)
Date of decision: 17.09.2025

Smt. Sona Devi and another

...Appellant(s)

Vs.

Jogender and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ajay Kadyan, Advocate
for the appellants.

NIDHI GUPTA, J.

CM-1020-CII-2025

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 385 days in filing the accompanying appeal.

2. The only reason cited in the application for condonation of delay of 385 days in filing the appeal is *"That the abovementioned judgment and decree dated 11.09.2023 passed by Ld. Motor Accident Claims Tribunal, Jind and after getting the certified copy of award dated 11.09.2023 the appellants/applicants contacted to the undersigned in the first week of December, in this regard the delay of 385 days in filing has been accrued in filing the present appeal."*

3. The above cited reason is vague and does not constitute sufficient cause to condone extraordinary delay of 385 days in filing the present appeal. It is cardinal principle of law that delay of each day has to



be explained. Reliance may be placed upon recent judgment of 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**.

4. As such, no ground is made out for condoning inordinate delay of 386 days. Present application accordingly stands **dismissed**.

FAO-303-2025 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,70,800/- awarded by the learned Motor Accident Claims Tribunal, Jind (hereinafter referred to as "the learned Tribunal") vide Award dated 11.09.2023 passed in MACP Case No. 46 dated 29.01.2020 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The two claimants are 50 years old parents of the deceased Jaswant, who was 18 and a 1/2 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-Jaswant had died due to the injuries suffered by him in a motor vehicular accident that took place on 19.12.2019 at about 07:30 a.m. due to the rash and negligent driving of a Canter bearing registration No.DL-01LT-7848 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The learned Tribunal awarded the above said compensation along



with interest @ 7.5% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by *inter alia* submitting that the income of the deceased has been taken on the lower side as only Rs.9,000/-p.m. It is submitted that appellants had duly proven with cogent evidence that the deceased was doing agricultural work and was a milk vendor, from where he was earning Rs.20,000/- p.m. It is further submitted that consortium of only Rs.40,000/- has been awarded to all the claimants; however, it ought to have been Rs. 48,400/- to each appellant; Rs.18,100/- each for loss of estate and funeral expenses; Rs.50,000/- to each appellant for loss of love and affection; and Rs.1 lakh for hospital charges ought to have been granted.

4. It is accordingly prayed that present Appeal be allowed; and the awarded compensation be enhanced in the above terms.

5. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

6. Contrary to what has been stated by the appellants before this Court, it had been pleaded by the appellants before the learned Tribunal (as noted in para 3 of the impugned Award) *“That the deceased aged 19 years was doing a private job and was also doing the agricultural work and was earning Rs.20,000/- per month.”* Even in the present Grounds of Appeal, the above facts have been mentioned, though it has



been argued differently. Irrespective of the same, a perusal of the case shows that no authentic proof regarding the alleged occupation and income was brought on record by the appellants. This has been admitted by claimant No.1 in her cross-examination as PW1 that she has no proof of income of the deceased. As such, learned Tribunal has assessed notional income of the deceased as Rs.9,000/- p.m. on the basis of minimum wages of unskilled labour as fixed by the Haryana Government vide Notification dated 12.09.2019. Further, age of the deceased was determined to be 18.5 on the basis of copy of his Marksheet Ex.P7 in which his date of birth is recorded as 27.05.2001. Ld. Tribunal had accordingly made an addition of 40% towards future prospects; thereby calculating monthly income to be Rs.12,600/- (Rs.9,000+ Rs.3,600). As the deceased was bachelor at the time of accident, deduction of 50% was correctly made; thereby calculating monthly income to be Rs.6,300/-. Keeping in view the age of the deceased, multiplier of 18 was correctly applied; thereby calculating compensation amount to be Rs.13,60,800/- (Rs.6300 x 12 x18). The Tribunal further awarded a sum of Rs.30,000/- towards loss of estate and funeral expenses; as also Rs.40,000/- each to both the claimants towards filial consortium; thereby granting total compensation of Rs.14,70,800/- (Rs.13,60,000+ Rs.30,000+ Rs.80,000).

7. From the above facts, it is clear that a very 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. In *"General Manager, KSRTC Vs. Susamma Thomas and others"* (1994) 2 SCC 176, the Hon'ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining compensation.

8. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present appeal is accordingly, hereby **dismissed** on merits, as well as on grounds of delay.

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

17.09.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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