



FAO No. 4310 of 2025

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4310 of 2025(O&M)

Date of decision: 15.10.2025

Ram Singh & Anr.

...Appellants

Versus

Kashmir Singh & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajesh Duhan, Advocate
For the appellants.

DEEPAK GUPTA, J.

CM-13344-CII of 2025

This is an application under Section 5 of Limitation Act seeking condonation of delay of 78 days in filing the appeal.

2. For the reasons mentioned in the application, which is supported by an affidavit, the same is allowed. Delay of 78 days in filing the appeal stands condoned.

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3. On account of death of Sunder Lal, unmarried son, aged 19 years of the appellants, in a motor vehicular accident which took place on 09.10.2020 due to rash and negligent driving of tractor No. HR33B-3550, claim petition was filed seeking compensation under Section 166 of the Motor Vehicles Act, 1988. The Tribunal awarded compensation of Rs. 15,57,400/- along with interest.

4. Seeking enhancement, it is contended by learned counsel that deceased was a Painter and, therefore, his notional income should be taken at Rs. 20,000/- per month, but learned Tribunal has only taken an income of Rs.9500/- per month on notional basis.

5. Having considered the submissions of learned counsel, this Court finds no merit in it.

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6. Learned counsel for the appellants could not point out any evidence whatsoever on record which could show that deceased was earning an amount of Rs.20,000/- per month. There is no evidence to show that deceased was holding any technical qualification so as to consider his notional income for a skilled labour. The table prepared by the Tribunal in Para No.23 of the award granting compensation under different heads would reveal that all the relevant heads have been taken into consideration and compensation in accordance with law has been granted.

7. This Court does not find any justification whatsoever for any enhancement. Thus, holding the present appeal to be devoid of any merit, the same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

15.10.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No