

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****137****FAO-2459-2025(O&M)****Date of decision: 13.05.2026****Jasbir Kaur****...Appellant(s)****Vs.****Gurjit Singh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Gaurav, Advocate
Ms. Palak Koundal, Advocate
Mr. Sourav Goyal, Advocate
for the appellant.

NIDHI GUPTA, J.
CM-7900-CII-2025

This is an application under Section 5 of Limitation Act for condonation of delay of 310 days in filing the appeal.

It is mentioned in Para 2 of the present application that:-

"2. That the Appellants filed the claim petition before the Ld. Tribunal on account of accidental death of their sole bread winner namely Harwinder Singh. The claim petition was decided on 13.02.2024, the Appellants were told by the counsel that the limitation for filing the appeal will start from the date when the compensation awarded by the Ld. Tribunal will be disbursed, however, when on the Appellants undersigned counsel had found that the limitation for appeal the was 90 days from the date of award and the same has been expired. As such, the present appeal was filed without any further delay."



The above cited reason does not constitute sufficient cause to condone extraordinary delay of 310 days in filing the present appeal. Ignorance of law constitutes no ground for not filing appeal within limitation. As such, the sole reason cited by the appellant is not sufficient ground to condone delay of 310 days in filing the appeal. Moreover, it is cardinal principle of law that delay of each day has to be explained. Reliance is placed upon judgment of Hon'ble Supreme Court in **"Shivamma (Dead) by LRs Vs. Karnataka Housing Board & Others"** Civil Appeal No.11794 of 2025 decided on **12.09.2025**. As such, no ground is made out for condoning inordinate delay of 310 days. Present application accordingly stands **dismissed**.

MAIN CASE

Present appeal has been filed by the claimant No.3 seeking enhancement of compensation of Rs.31,00,000/- awarded by the Motor Accident Claims Tribunal, Sangrur (hereinafter 'the learned Tribunal') vide Award dated 13.02.2024 passed in MACP No.9 dated 22.01.2021 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 27-year-old widow, 2-year-old minor daughter, 56-year-old mother and 57-year-old father of deceased Harwinder Singh, who was 24 years old at the time of accident. Present appeal has been filed by only claimant No.3 i.e. mother of deceased.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties,



concluded that the deceased Harwinder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 17.11.2020 at about 4:30 pm due to the rash and negligent driving of Truck Crasher bearing registration No.PB-10-HJ-2581 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.15,000/- per month. It is submitted that there was sufficient evidence on record to show that deceased was BAMS Doctor and was running a Clinic and was earning Rs.2 lakh per month. The deceased also had agricultural income, which was proved by the claimant by producing J-Forms as Ex.C3 to Ex.C5. However, all this evidence has been ignored by the learned Tribunal in assessing income of the deceased. It is further submitted that interest of 7.5% per annum is on the lower side. Compensation of Rs.31 lakh is also on the lower side. It is accordingly prayed that the present appeal be allowed and Award be modified.

4. 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.



5. Perusal of record of the case shows that it was the pleaded case of the claimants before the Tribunal was that prior to the accident, the deceased was a BAMS Doctor and running a Clinic in Village Sabhra and earning Rs.60,000/- per month from the Clinic. However, no evidence whatsoever has been produced by the claimants to support their said contention. The Claimants had only placed on record Ex.C1, which is the BAMS Degree of the deceased; but there was no evidence on record to show that deceased was running a Clinic. No Income Tax Return of the deceased was filed to prove the alleged income of the deceased. No documentary evidence was produced to show that deceased was running a Clinic.

6. The claimants had further pleaded that deceased was an agriculturist and cultivating 11 acres of land from which he was earning Rs.1,40,000/- per month. In support, the claimants had produced J-Forms (Ex.C3 to Ex.C5). However, the said J-Forms could not be relied upon as the same were issued after the death of deceased. Moreover, father of the appellant as CW1 had admitted in his cross-examination that deceased had no agricultural land in his name. Thus, keeping in view the entirety of the above facts, including the fact that claimants had duly produced Ex.C1 BAMS Degree of the deceased, the learned Tribunal had assessed income of the deceased as Rs.15,000/- per month. I find no error in the same.

7. Further, age of the deceased was determined to be 24 years on the date of accident on the basis of his BAMS Degree (Ex.C1) wherein his date



of birth is mentioned as 24.04.1996. Even as per Post-Mortem Report of the deceased (Ex.C7), age of deceased is mentioned to be 24 years. Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and had correctly applied multiplier of 18. Father of the deceased was not taken to be dependent upon the deceased. Accordingly, deduction of 1/3rd was made towards personal expenses.

8. Under the conventional heads, learned Tribunal has awarded Rs.44,000/- towards consortium; Rs.16,500/- towards loss of estate; and Rs.16,500/- towards funeral and last rites expenses; thereby awarding total compensation of Rs.31,00,000/-.

9. From the above, it is clear that in the facts and circumstances of the case, a very just and fair compensation has been awarded to the appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. 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 & Another Vs. Jasbir Kaur & Others**' Law Finder Doc ID # 64043 and '**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty**', (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 the case of "**General Manager, KSRTC Vs.**



Susamma Thomas & Others” 1994 Volume-II SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

10. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

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

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

13.05.2026

Sunena

(Nidhi Gupta)
Judge

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