IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-2738-2025(O&M)
Date of decision: 22.04.2026

**Akshay Kumar & Another**

...Appellant(s)

Vs.

**Hardeep Singh & Others**

...Respondent(s)

***

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Barjinder Singh, Advocate
for the appellants.

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**NIDHI GUPTA, J.**

**CM-8752-CII-2025**

This is an application under Section 5 of Limitation Act for condonation of delay of 111 days in filing the appeal.

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

*"2. That though the award dated 30.07.2024 has received by counsel for the appellant at Trial Court, however the claimants were under the impression that the limitation will start from the date of the receipt of the amount but when the claimants contacted to their counsel only then they came to know that the limitation will start from the date of the passing of the impugned award. Thereafter, the appellants after arranging funds and all the necessary documents approached to the undersigned counsel on 17.04.2025 for filing the appeal. Now, the present appeal is being filed without any further delay."*

The above cited reason does not constitute sufficient cause to condone extraordinary delay of 111 days in filing the present appeal. It is

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cardinal principle of law that delay of each day has to be explained. In this regard, reliance may also be placed upon recent 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 111 days. Present application accordingly stands **dismissed**.

**MAIN CASE**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,22,000.52/- awarded by the Motor Accident Claims Tribunal, Sangrur (hereinafter 'the learned Tribunal') vide Award dated 30.07.2024 passed in MACP No.139 dated 28.07.2021 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 21-year-old son, 18-year-old son, and 51-year-old husband of deceased Charanjit Kaur, who was 48 years old at time of accident. Present appeal has been filed by claimants No.2 and 3.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Charanjit Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 11.05.2021 due to the rash and negligent driving of Tanker bearing registration No.PB-11-AG-8379 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent

No.3. The said compensation has been awarded along with interest @ 9% per annum. Respondent No.3/Insurance Company was held liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has not been correctly assessed. Future prospects ought to have been granted @ 50%. Wrong multiplier has been applied. Conventional heads deserve to be enhanced. Rs.4 lakh ought to have been awarded for love and affection. Interest should be 18%. It is accordingly prayed that the present appeal be allowed and impugned Award be modified.

4. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

5. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was self-employed and she was doing the work of stitching, dairy farming and selling milk from which she was earning Rs.30,000/- per month. However, except for the bald statement of claimant No.2/Akshay Kumar, who had appeared as CW1, there was no documentary evidence adduced by the claimants to prove their above-said assertion. No Income Tax Returns or Bank Account Statement was produced by the claimants to substantiate their aforesaid assertion. In view of the lack of evidence, learned Tribunal has assessed

income of the deceased as RS.10,000/- per month, on the basis of relevant Minimum Wages prevalent at the time. I find no error in the same.

6. Further, age of the deceased was determined to be 48 years at the time of accident on the basis of her Post-Mortem Report (Ex.C2). Accordingly, the learned Tribunal had made an addition of 30% towards future prospects; and correctly applied multiplier of 13. Further, the Tribunal has made a deduction of 1/3rd towards personal expenses. Under the conventional heads, the learned Tribunal has awarded Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- towards loss of consortium; thereby granting total compensation of Rs.14,22,000.52/- in the following manner:-

| **Head** | **Amount** |
|---|---|
| Income | Rs.10,000/- per month |
| Income after adding future prospects of 30% | Rs.10,000/- + Rs.3000/- = Rs.13,000/- |
| Income after deduction of 1/3rd as personal living expenses | Rs.13,000/- - Rs.4333.33/- = Rs.8,666.67/- per month |
| Compensation after applying multiplier of 13 | Rs.8,666.67/- x 12 x 13 = Rs.13,52,000.52/- |
| Compensation for loss of estate | Rs.15,000/- |
| Compensation for loss of consortium | Rs.40,000/- |
| Funeral expenses | Rs.15,000/- |
| **Total** | **Rs.14,22,000.52/-** |

7. 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 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 & 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.

8. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

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

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

**22.04.2026** **(Nidhi Gupta)**
Sunena **Judge**

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