

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****111****FAO-2604-2021 (O&M)
Date of decision: 22.04.2026****Mandeep Singh****...Appellant(s)****Vs.****Sajjan Singh @ Chhaju and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Narinder S. Lucky, Advocate and
Ms. Amandeep Kaur, Advocate
for the appellant.

NIDHI GUPTA, J.**CM-11382-CII-2021**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 420 days in filing the accompanying appeal.

2. The only reason cited by learned counsel for the applicant/appellant in the abovesaid application for condonation of 420 days delay in filing the appeal is as under:-

"3. That the appellant could not file the appeal before this Hon'ble Court within limitation because the file was not handed over to them by the Lower Court Counsel. He informed that the certified copy has not been received and the appellant will be intimated as and when same is received."



3. It is submitted that even despite reminders, learned counsel before the Tribunal did not handover the file to the appellant as a result of which, appeal could not be filed in time.

4. Heard.

5. The above said reason given on behalf of the appellant is vague and does not constitute sufficient ground for condonation of inordinate delay of 420 days. Application does not mention as to on which date, the appellant received the documents from the Lower Court counsel. In fact, the said reason reflects lackadaisical approach of the appellant in filing the present Appeal.

6. Duty lies upon the appellant to be vigilant towards her rights to pursue litigation diligently. The appellant cannot totally sleep upon the matter after allegedly entrusting the same to their counsel. In this situation, it would be apposite to refer to recent judgment of the Delhi High Court in **Moddus Media Pvt. Ltd. v. M/s. Scone Exhibition Pvt. Ltd., (Delhi): Law Finder Doc Id # 887148** holding that:

"11. The litigant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about the judicial proceedings pending in the court of law against him or initiated at his instance. The litigant cannot be permitted to cast the entire blame on the Advocate. It appears that the blame is being attributed on the Advocate with a view to get the delay condoned and avoid the decree. After filing the civil suit or written statement, the litigant cannot go off to sleep and wake up from a deep slumber after passing a long time as if the court is storage of the suits filed by such negligent litigants. Putting



the entire blame upon the advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory put forth by the appellant/applicant/defendant company, which cannot be accepted and ought not to have been accepted.”

7. Moreover, it is cardinal principle of law that delay of each day has to be explained. In this regard, reference may be made to a recent judgment of the 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, Law Finder Doc Id # 2777666**, wherein it is held that each day's delay has to be explained in a mathematical manner which has not been done by the applicant-appellant. No cogent reason or plausible explanation has been furnished by the applicant for condonation of such an inordinate and unexplained delay in filing the accompanying appeal. Moreover, condonation of such an inordinate delay would be tantamount to declaring the law of limitation obsolete/redundant, without any justification.

8. As such, no ground is made out for condoning inordinate delay of 420 days. Present application accordingly stands **dismissed**.

FAO-2604-2021 (O&M)

The present appeal has been filed by the sole claimant seeking enhancement of compensation of Rs.12,22,000/- awarded by the learned Motor Accidents Claims Tribunal, Ambala (hereinafter referred to as “the learned Tribunal”) vide Award dated 05.07.2019 passed in MACP Case No. 444 dated 30.11.2017 filed under Section 166 of the Motor Vehicles Act,



(hereinafter referred to as “the Act”). The sole claimant, namely, Mandeep Singh son of Jagir Singh son of Shri Chand is 32-year-old husband of the deceased Harjit Kaur, who was 31/35 years old at the time of accident.

2. Vide the said Award dated 05.07.2019, Tribunal had also disposed of connected MACP Case No. 446 dated 30.11.2017 titled as **Jagir Singh vs. Sajjan Singh alis Chhaju and others.**

3. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Harjit Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 23.01.2017 at about 5:15 p.m. due to the rash and negligent driving of a Truck bearing registration No. HR-37-A-2968 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 7.5% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation.

4. Learned counsel for the appellant seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.6,000/- p.m. It is submitted that it was the clear pleaded case of the appellant before the learned Tribunal that deceased was doing work of stitching and was also running milk dairy and was earning Rs.25,000/- p.m. However, learned Tribunal has totally ignored the evidence led by the appellant in this regard and has assessed income of the deceased on the lower side as only Rs.6,000/- p.m. It is further submitted that



multiplier is applied on the lower side. Appellant had clearly pleaded that deceased was young lady of 28 years and was not having any child from the wedlock as she was newly married but the learned Tribunal has determined the age of the deceased to be between 31-35 years purely on guess work and applied multiplier of 16 instead of 17.

5. It is accordingly prayed that the present Appeal be allowed; impugned Award be modified; and compensation of Rs.30 lacs be awarded.

6. No other argument is raised on behalf of the appellant. I have heard learned counsel and perused the case file. I find no merit in the submissions advanced on behalf of the appellant.

7. Although it has been asserted on behalf of the appellant that deceased was doing work of stitching and dairy farming and earning Rs.25,000/- p.m. however, no evidence in this regard was produced by the appellant. Only bald statements were made from the claimant's side in respect of the alleged avocation and income of the deceased without any evidence in support. Learned Tribunal has correctly observed that no reliance could be placed upon the bald statements of the claimant witnesses and that *"If Harjit Kaur was actually doing the work of dairy and stitching of clothes, some photographs, bill books etc. could have been placed on record."* Accordingly, Tribunal had relied upon judgment of this Court passed in **Paramjit Singh and another Vs. Dilbagh Singh and others, 2014 ACJ 1817 (P&H)**, and has assessed income of the deceased as Rs.6,000/- p.m. I find no error in the same.



8. Further, age of the deceased was determined to be between 31/35 years. Accordingly, learned Tribunal had applied multiplier of 16 on the basis of the judgment passed by Hon'ble Supreme Court in **"Sarla Verma Vs. Delhi Transport Corporation" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882**. No deduction was made towards personal expenses. Accordingly, learned Tribunal has calculated the compensation in the following manner: -

Sr. No.	Heads	Calculation (in Rs.)
(i)	Annual Income	Rs.72,000/- (Rs.6,000 x 12)
(ii)	Compensation after multiplier of 16 is applied	Rs.11,52,000/- (Rs.72,000 x 16)
(iii)	Loss of estate, loss of consortium and funeral expenses	Rs.70,000/-
	Total compensation awarded	Rs.12,22,000/-

9. I find no error in the compensation calculated.

10. From the above facts, it is clear that 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 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 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.

11. Even otherwise, I find no ground is made out for enhancement of compensation on account of the reasons recorded here in below. The pleaded case of the appellant in the Claim Petition as recorded in para 2 and 3 of the impugned Award, reads as follows: -

“2.....On 23.01.2017 Harjit Kaur alias Sona (since deceased) alongwith her father-in-law Jagir Singh was coming from Ambala City to her village Batrohan while sitting on the pillion of the motorcycle bearing registration no.HR-01-E-9117 which was being driven by Jagir Singh on the correct left side of the road at a moderate speed. At about 5.15 p.m. when they reached near village Ballana opposite Sangeet Palace, a truck bearing registration no.HR-32-A-2968 (hereinafter referred to as the offending vehicle) which was being driven by respondent no.1 in a rash and negligent manner came from behind and struck the motorcycle. It has been averred that due to the impact of the accident, both occupants of the motorcycle fell down on the road alongwith the motorcycle and suffered multiple grievous and serious injuries. Harjit Kaur succumbed to her injuries on the spot. It has been averred that the accident took place on account of the rash and negligent driving of the offending vehicle by respondent no.1. Regarding the incident, an FIR no.22 dated 23.01.2017 under Sections 279, 337, 304-A IPC was registered against respondent no.1 at police station Sadar Ambala, District Ambala.



3. It has been averred that at the time of the accident, Harjit Kaur was 28 years old. She was a household lady and was doing tailoring work. She was also having four buffaloes and was running a milk dairy in the village. She was, therefore, earning Rs.25,000/- per month. It has been averred that no child was born out of the wedlock of the claimant and Harjit Kaur. On account of the death of of Harjit Kaur, the claimant had become a widower and had been deprived of the proper care, love and affection of his wife. It has been averred that a sum of Rs.50,000/- was spent on the transportation of the deadbody, funeral and last rites of the deceased. A sum of Rs.30,00,000/- has been claimed as compensation."

12. The above said Jagir Singh eyewitness had appeared before the learned Tribunal as CW2 and had deposed before the learned Tribunal that the accident in question had taken place due to rash and negligent driving of offending vehicle by respondent No.1. In respect of the accident in question, FIR No. 0022 dated 23.01.2017 under Sections 279, 337, 304-A IPC was registered at Police Station, Ambala on the statement of injured Jagir Singh. Observation of learned Tribunal in this regard is contained in para 13 of the impugned Award, which reads as follows: -

"13. After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that the claimants have been able to prove that the accident, as a result of which Harjit Kaur expired and the claimant Jagir Singh had suffered injuries, had taken place due to the rash and negligent driving of the offending vehicle by respondent no.1. As per the claim petition, the accident took place on 23.01.2017 at about 5.30 p.m. It has come on record



that the FIR Ex.C2 was registered on the same day i.e. 23.01.2017 at 8.33 p.m. on the statement of injured Jagir Singh. Said injured-claimant Jagir Singh has appeared in the witness box as CW2 and has deposed in detail about the manner in which the accident took place. He was subjected to a lengthy cross-examination, but nothing came in the same which could have created any doubt in the case of the claimants. Respondent no.1 is facing trial for having caused the accident as is clear from the documents Ex.C4 and Ex.C5.....”

13. Thus, the appellant was held entitled for compensation on the evidence given by Jagir Singh eyewitness who had testified with regard to the rash and negligent driving of the offending vehicle by the respondent no.1.

14. Further, on the basis of statement/complaint made by Jagir Singh, an FIR No. 0022 dated 23.01.2017 under Sections 279, 337, 304-A IPC was registered at Police Station, Ambala against respondent no.1.

15. However, it is to be seen that in the criminal trial being faced by respondent No.1 Sajjan Singh in the aforesaid FIR No. 0022 dated 23.01.2017, the complainant Jagir Singh had appeared as PW2 and had turned hostile; as a result of which, respondent No.1 has been acquitted by the learned Judicial Magistrate, 1st Class, Ambala, vide judgment dated 15.11.2022. The relevant findings of learned Judicial Magistrate 1st Class, Ambala are contained in para 16 of the judgment dated 15.11.2022, which read as under: -

“16. The star witness of the prosecution case is PW-2 Jagir Singh, complainant/injured, who has categorically stated before



the Court that the accident was caused due to rash and negligent driving of the accused. But during cross-examination, he stated that it is incorrect that accident was caused with truck No. HR 32A-2968. Again said truck No. is HR 37A-2968. The statement of Mandeep Singh son of complainant is based on hearsay evidence as he is not alleged eyewitness of the accident. Though, PW8 Ram Karan has deposed that he is owner of Truck No. 37A-2968. He had handed over the truck and its documents alongwith accused to the police on 24.01.2017. He also deposed that on 23.01.2017, Sajjan Singh caused accident with his truck but during cross-examination, he categorically stated that on 23.01.2017, no accident took place with his truck No. HR 37-A-2968. Remaining witnesses are official witnesses and doctors. Further perusal of statement Ex.PW1/C made by the complainant Jagir Singh shows that he had given the registration number of the offending truck as HR-32A-2968 but during evidence, he has improvised this fact. Further, as per the statement of complainant Jagir Singh PW2, the truck hit his motorcycle from behind but perusal of mechanical test report of motorcycle of the complainant reveals that there is no damage to the back light, indicator etc. whereas side has been damaged, whereas perusal of report of the truck in question also reveals that there is no damage to the front side of truck. There is dent to the left side of the accidental truck in question. This casts doubt in the prosecution story and it cannot be ruled out that he tried to overtake the truck in question as per the stand of the accused. There is no independent witness to corroborate the stand of the complainant."

16. Even the present claimant Mandeep Singh had appeared before the learned JMJC as PW3 and had failed to implicate respondent No.1.



17. A bare reading of the above facts shows that before the learned JMIC, the claimant side has turned turtle on its previous statement made before the Tribunal. No doubt, proceedings under the Act have to be decided on the preponderance of probabilities. However, this Court cannot shut its eyes in an ostrich like manner to the starkly diametrically opposite stance taken by the claimants' side in the criminal trial. Thus, no credence can be attributed to the contrary statements made by the claimant side before the learned Tribunal. It is to be seen that the appellants have been held entitled to compensation by the Tribunal only on the basis of statement made by the eyewitness Jagir Singh to the effect that the accident in question had been caused due to the rash and negligent driving of the offending vehicle by the respondent no.1. However, from the above noted facts, it would appear that the claimant side has deposed falsely before the Tribunal only with a view to get the compensation. It is my view that the said act of the claimant side amounts to perjury.

18. I am supported in my view by a judgment of this Court in “**Shri Ram General Insurance Company Limited Vs. Jeeto Devi & Others**” FAO-2231-2014 decided on 03.12.2019, wherein it is held that: -

*“(6) This Court cannot loose sight of the judgment rendered by this Court in the case of **United India Insurance Company Limited versus Kamla Devi and others 2010(53) RCR (Civil) 651**, wherein it was specifically held that in case an eye witness gives totally different version before the Court conducting trial in criminal case from the statement made by the said eye witness before the Tribunal, the testimony of such a witness is unworthy of being accepted and the evidence should be simply rejected. In fact, the learned Single Bench came down*



heavily on such witness and held that the said witness is also liable for perjury."

19. This Court in abovesaid judgment in **"United India Insurance Company Limited Vs. Kamla Devi & Others" (P&H) : Law Finder Doc Id # 251230** has held that:

"5. It should still have been possible for the Tribunal to take a decision uninfluenced by any decision that may have come before the criminal court. The several decisions which have come about on this issue are to the effect that a judgment in a criminal court is not binding on the Tribunal; the non-filing of a FIR is not material; even the fact of involvement of the vehicle as found by the criminal court is not binding. While the Tribunal is competent to assess the evidence which is brought before it and take an independent decision, then the point that has to be seen is whether there was any evidence worth its name before the Tribunal to come a finding that the particular vehicle was involved in the accident. It can be either that the version of Sitar Mohd. cannot be relied for he has contradicted himself wholesale with the version given before the criminal court or looked for other evidence which was placed before the Court. Alternatively if any explanation had been given by the witness as to why he deposed falsehood before the criminal court, even such an explanation could have been accepted to enter a finding that the accident took place only involving the particular insured's vehicle. In this case, no explanation has been given by the witness as to why he stated before the criminal court that he did not know which vehicle was involved in the accident. He would, on the other hand, defy that he ever made any such statement before the criminal court, necessitating the statement made before the criminal court to be exhibited for contradiction before the Tribunal. It must be re-



membered a statement in criminal court case by a witness is also on oath. If he was uttering falsehood, he was liable for perjury. If there was contradiction between the version elicited before the Tribunal to the statement made before the criminal court then such a witness will be unworthy of acceptance. The Tribunal could have simply rejected the whole evidence. If it was going to pick out one line from chief examination to say that the insured's vehicle was involved in the accident, the Tribunal was doing something which is not a judicial function but a travesty of justice."

20. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings. Therefore, no case is made out for enhancement of compensation.

21. Thus, the present Appeal is accordingly **dismissed** on merits, as well as on grounds of delay.

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

22.04.2026

Divyanshi

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(NIDHI GUPTA)
JUDGE