

FAO-1893-1999
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO-1893-1999
FAO-1894-1999
FAO-1892-1999**

Reserved on :06.08.2025
Pronounced on: 29.08.2025

1.

GURPREET KAUR ... Appellant

Versus

DARSHAN SINGH AND OTHERSRespondents

2.

GURPREET KAUR AND OTHERS ...Appellants

Versus

TARSEM SINGH AND OTHERS ...Respondents

3.

PRATEEK KOCHHAR ...Appellant

Versus

TARSEM SINGH AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Hemant Bassi, Advocate,
Ms. Saloni Chhabra, Advocate and
Mr. Vikas Kumar Sharma, Advocate
for the appellants.

Mr. Vinod Chaudhari, Advocate
for respondent No.3.

Parmod Goyal, J.

Aggrieved by the quantum of compensation awarded by
learned Motor Accident Claims Tribunal, Ambala vide award dated
04.01.1999, present appeals have been preferred by the claimants-appellants



being injured as well as LRs of deceased Gurmeet Singh.

2. Four claim petitions have arisen on account of death and injuries suffered in the accident dated 13.08.1993, while injured/deceased were travelling in car bearing No.DL-5C-2875 and were hit by the offending truck bearing No.HYX-9320. MACT No.120 was preferred by Master Prateek Kochhar, on account of injuries suffered by him. MACT No.126 of 25.09.1998 was preferred by Smt. Gurpreet Kaur and others i.e. wife and children of deceased Gurmeet Singh, who had died in the accident. Similarly Gurpreet Kaur, had filed claim petition bearing No.127 of 25.09.1998, seeking compensation for injuries suffered by her and a claim petition bearing No.129 of 25.09.1998 was preferred by Kailash Yadav, who had also suffered injuries in the accident dated 13.08.1993.

3. Claim petition preferred by Kailash Yadav was dismissed. In claim petition bearing No.129 of 1998, claimant Prateek was granted Rs.10,000/- on account of injuries suffered by him. Claimants in claim petition No.126 of 1998 were awarded compensation of Rs.32,10,000/-. In claim petition No.127 of 1998, Gurpreet Kaur was awarded Rs.10,000/-. No appeal was preferred by Kailash Yadav. Claimants in claim petition Nos.126, 127 and 128 of 1998 have preferred three appeals which are being disposed of vide this order. All the three claimants have sought enhancement of compensation awarded to them.

4. Deceased Gurmeet Singh was stated to be aged 39 years and it was pleaded that he was earning Rs.2,00,000/- per month being sole proprietor of M/s Kochhar International and was an income tax assessee since 1978. His firm was registered with Central Sales Tax Department and



was also having registration for import and export business. It was also pleaded that apart from business he was also drawing a salary of Rs.30,000/- per year. It was asserted that at the time of his death he was earning Rs.2,10,000/- per month and that he had paid Rs.85,000/- as advance tax on his income of Rs.2,33,320/-.

5. Learned Tribunal has taken age of deceased to be 39 years as was stated by the claimants in their claim petition. To prove the income of deceased, claimants had examined Chartered Accountant H.K. Batra as PW3. He had placed on record balance sheet of M/s Kochhar International as Exhibit P-7, trading profit and loss account as Exhibit P-8, details of sundry creditors as Exhibit P-9. Exhibit P-10 i.e. audit report by Chartered Accountant prepared for year ending on 31.03.1994. Account details of Maza Beauty Products and Suchet Agencies were also relied to show income of deceased. Certificate Exhibit P-27, shows that the firm Maza Beauty Products owned by deceased had earned a profit of Rs.31,270/- in the year ending on 31.03.1993. Learned Tribunal taking cumulative value of evidence determined loss of dependency to be Rs.2,00,000/- per annum and after applying multiplier of 16 an amount of Rs.32,00,000/- was awarded to claimants on account of loss of dependency. Rs.2,000/- were awarded as funeral expenses. Rs.5,000/- were awarded for loss of consortium. Rs.2,500/- were awarded as loss of estate and total amount of Rs.32,10,000/- was awarded accordingly.

6. It is worth noticing that records of present case were damaged in a fire incident and partial record was reconstructed.

7. On consideration of award dated 01.04.1999, I do not find any



error in the conclusion drawn by learned Tribunal, specially in view of the fact that most of the documents which were relied upon by claimants and exhibited by Chartered Accountant PW-3, pertained to the year 1993-1994, whereas deceased had died on 13.08.1993. The documents/statement of accounts etc. were prepared after closure of financial year i.e. after 31.03.1994. Therefore, taking the income only on the basis of documents placed on record by Chartered Accountant PW-3, prepared by Chartered Accountant after the death of deceased without reference to previous years income the conclusion of learned Tribunal awarding Rs.2,00,000/- p.a. as annual loss of dependency cannot be interfered.

8. It is worth noticing that as per claim of claimants, deceased was running three different firms i.e. M/s Kochhar International, M/s Maza Beauty Products and M/s Suchet Agencies, belonging to HUF of deceased. It is made out that in the financial year 1992-1993 ending on 31.03.1993 (Ex. P-15) M/s Suchet Agencies had earned Rs.25,683/-. However, except for M/s Suchet Agencies, the income tax returns of other firms namely M/s Kochhar International for financial year 1992-1993 and financial year 1993-1994 were not produced. As per claimants, deceased was income tax payee from 1978, therefore, the best evidence i.e. previous tax return of deceased in favour of claimants was not produced before the Court. Similarly, for financial year 1992-1993 and assessment year 1993-1994, the total profit shown to have accrued to M/s Maza Beauty Products was stated to be Rs.31,270/-. No assessment of income tax return of M/s Kochhar International was produced, which was stated to have started only in 1992 for the year ending on 31.03.1993. From income earned from M/s Suchet



agencies Rs.25,683 and M/s beauty products (Rs.31,270) for year ending on 31.03.1993 (deceased had died on 13.08.1993) and salary of Rs. 30,000/-. Total annual income which is made out is Rs. 86,953/-. Other firm was started only 1992 and no income from said firm is shown for period prior to death of deceased. Audited accounts subsequent to death of deceased for year ending 31.03.1994, therefore, cannot be relied to determine income of deceased when sufficient material is available for such determination. The conclusion of Trial Court in awarding Rs. 2,00,000/- per month cannot be interfered with, keeping in view circumstances keeping 1/4th deduction on personal expenses and 40% future prospects.

9. Therefore, learned Tribunal has rightly held income of deceased to be Rs.2,00,000/- per month, which again is excessive as per material on record. No fault with the same can be found. Though the deceased was 39 years of age, therefore, he was entitled to multiplier of 15, whereas, learned Tribunal has granted multiplier of 16 instead of 15. However, keeping in view future prospects and the fact that matter pertains to 1993, the fact that payment has already been made and since no appeal has been preferred by respondents, therefore, I do not find any reason to interfere with the award. The loss on account of loss of dependency cannot be faulted with, however, I find that compensation for funeral expenses, loss of estate and consortium needs to be enhanced.

10. Accordingly, compensation for funeral expenses is enhanced to Rs.7,500/- and loss of estate is also enhanced to Rs.7,500/-. Claimant No.1 was awarded consortium of Rs.5,000/-, however, no consortium was awarded to the minor children. Minor children are also entitled to parental



consortium of Rs.5,000/- each as the accident had taken place in the year 1993. Accordingly, compensation is enhanced by an amount of Rs.20,000/-. The same be paid to the claimants as per award with interest as awarded by learned Tribunal from the date of filing of the claim petition till date of realization.

11. Learned Tribunal has noted that claimant Prateek had suffered only simple injuries and no hospitalization or expenses incurred upon medicines had been placed on record. In the absence of grievous injuries and failure to show the period of hospitalization and expenses incurred on injuries suffered, the award of compensation of Rs.10,000/- cannot be faulted with.

12. Similarly, in case of Gurpreet Kaur, she claimed to have suffered injuries on her right eye and fracture of right arm. It is also her claim that three of her teeth were broken in the accident and had taken treatment from Mool Chand Hospital, Delhi, where she was operated and steel blades were inserted. She claims to have spent Rs.20,000/-. However, learned Tribunal in Para No.40 duly noticed that no record from Mool Chand Hospital, Delhi, was produced, showing any grievous injury suffered by the claimant in the accident. Accordingly, injuries were treated to be simple and in absence of any medical bills or expenses incurred, a composite amount of Rs.10,000/- was awarded on account of medical expenses, pain and suffering etc.

13. I do not find any defect in the conclusion drawn by learned Tribunal as the same is based upon material on record. Nothing could be shown by the learned counsel for the appellants to show that conclusion

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drawn by learned Tribunal is not proper. Accordingly, appeals filed by Gurpreet Kaur and Prateek seeking compensation on account of injuries are dismissed, whereas appeal preferred by Gurpreet Kaur and others seeking compensation on account of death of deceased Gurmeet Singh is partly allowed. It is held that petitioners are entitled to enhanced compensation of Rs.20,000/- with interest as awarded by the learned Tribunal.

14. All the appeals are disposed of in the aforesaid terms. Pending application(s), if any, shall also stand disposed of.

29.08.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No