

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1665 of 1988 (O&M)

Date of Decision: 28.01.2015

Surjit Singh & Anr.

. . . . Appellants

VS.

Gurmit Singh @ Roada

. . . . Respondent

CORAM: HONBLE MR.JUSTICE SURYA KANT

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Present: Mr. GS Bhatia, Advocate for the appellants

None for the respondents

SURYA KANT J. (ORAL)

(1). This Regular Second Appeal is directed against the judgement and decree dated 27.02.1987 passed by the trial Court decreeing the respondent-plaintiff's suit to the extent it awarded a sum of ₹4000 with interest @ 6% p.a. from the date of filing of the suit till realization, which has been affirmed by the learned Additional District Judge, Patiala vide judgement and decree dated 15.04.1987.

(2). The unfortunate marital dispute between the respondent-plaintiff's sister who was married with the brother of the defendant-appellant led to violent incident in which respondent-plaintiff Gurnam Singh was inflicted with knife injuries. In the criminal case, the defendant-appellants were sentenced and convicted by the learned Additional Sessions Judge, Patiala vide judgement dated 18.07.1983.

Thereafter, the respondent-plaintiff instituted the instant suit

claiming compensation of ₹20,000 but his suit was decreed in part to the extent of ₹4000 only.

(3). As the facts would speak for themselves, once the criminal charge stood proved against the appellants before the Sessions Court beyond any pale of doubt, the Civil Court even applying the doctrine of persuasive value has rightly held the respondent-plaintiff entitled to compensation under the law of torts.

(4). The appeal, in any case, does not give rise to substantial question of law as the whole controversy rests on the set of facts which have been concurrently held against the appellants by the courts below.

(5). Dismissed.

28.01.2015
vishal shonkar

(Surya Kant)
Judge