

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA No.4195 of 2008 (O&M)

Date of decision : 18.02.2015

Ramesh Kumar and another

...Appellants

Versus

Sowarana Rani and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. D.S. Kahlon, Advocate
for the appellants.

AMIT RAWAL, J. (Oral)

CM No.1456-C of 2015

Prayer in the application is to place on record the Court fees,
which is duly supported by an affidavit. Same is taken on record.

The application is allowed, subject to all just exceptions.

CM No.12553-C of 2008

For the reasons stated in the application, which is duly
supported by an affidavit, delay of 375 days in refiling the appeal is
condoned.

The application stands disposed of.

CM No.12554-C of 2008

For the reasons stated in the application, application is allowed
subject to all just exceptions.

CM No.12556-C of 2008

For the reasons stated in the application, which is duly supported by an affidavit, delay of 21 days in filing the appeal is condoned.

The application stands disposed of.

RSA No.4195 of 2008 (O&M)

This Regular Second Appeal at the instance of appellants-defendants is directed against the judgment and decree dated 22.01.1999, whereby the trial Court has decreed the amount of compensation as damages on account of the death of Hira Lal Sharma-husband of the respondent No.1-plaintiff and father of the other respondents-plaintiffs and the appeal filed against the same has also been dismissed.

Mr. D.S. Kahlon, learned counsel appearing on behalf of the appellants-defendants in support of his grounds of appeal also submits that trial Court and Lower Appellate Court have committed illegality and perversity in determining the compensation of the deceased. There is no documentary evidence proved on record of the income of the deceased. He further submits that appellants-defendants have not been given a sufficient opportunity to lead evidence in support of his defence.

I am afraid the aforementioned argument of learned counsel for the appellants-defendants is devoid of merit for the reasons that appellants-defendants have failed to rebut the evidence led down on behalf of respondents qua the factum of causing the wrongful death of deceased Hira Lal Sharma and the trial Court after examining the oral and documentary evidence brought on record assessed the income of the deceased as ₹2500/- per month and after applying the cut of 1/3rd of this income, assessed the

income as ₹1600/- per month, and after taking into consideration the age applied the multiplier of 12 & thus assessed the total compensation to the tune of ₹2,11,200/-.

No fault can be found with the findings rendered by the Courts below as the appellants-defendants have failed to rebut the aforementioned evidence.

Both the Courts below have held rendered a finding of fact and law, based on appreciation of oral and documentary evidence.

No substantial question of law arises for adjudication of the present appeal.

Accordingly, the present appeal is dismissed.

18.02.2015

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**(AMIT RAWAL)
JUDGE**