

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

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- 1. Regular Second Appeal No.808 of 2013 (O&M)**
Date of Decision: August 31, 2015

Subodh Gupta

...Appellant

Versus

Balwant Singh alias Banti and others

...Respondents

- 2. Regular Second Appeal No.1004 of 2013 (O&M)**
Date of Decision: August 31, 2015

Subodh Gupta

...Appellant

Versus

Balwant Singh alias Banti and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sushil Jain, Advocate
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose to decide two appeals i.e. Regular Second Appeal Nos.808 and 1004 of 2013 preferred by the appellant-plaintiff challenging the judgment dated 05.09.2012 passed by the Additional District Judge, Karnal, whereby appeal preferred by him for enhancement of compensation as granted by the trial Court, has been dismissed and the appeal preferred by the respondents-defendants challenging the judgment of trial Court, stands allowed dismissing the suit of the appellant-plaintiff.

2. It is the contention of the counsel for the appellant-plaintiff that the appellant-plaintiff has been able to prove that an injury has been caused

on his eye because of which the vision in the right eye has been adversely affected. The doctors, who had examined him and treated him, have been produced, their statements establish beyond doubt and indicate that he had actually suffered an injury on the eye because of which there was reduction in the vision and a squint has also occurred. His further contention is that the trial Court has granted him an amount of ₹3 lacs as compensation, which was fully justified and should not have been interfered with by the Appellate Court. Qua the Appellate Court's judgment allowing the appeal of the appellant-defendant, he contends that the same cannot be sustained, specially when the same is based upon conjectures and surmises.

3. I have considered the submissions made by the counsel for the appellant-plaintiff and have gone through the judgments passed by the Courts below with his assistance.

4. Perusal of the judgments would indicate that no doubt an injury has been suffered by the appellant-plaintiff but he has failed to implead the person, who had actually caused injury on his right eye i.e. a person, who was Sardar. In the absence of the person, who had actually caused injury on the right eye of the appellant-plaintiff, merely because some of the other persons, who were accompanying him have been impleaded as respondents-defendants, the appellant-plaintiff could not be granted compensation as the person, who had actually caused the injury which resulted in reduction of vision, has not been impleaded as party-defendant. That apart, the appellant-plaintiff has not been able to prove the expenses, which he has incurred in the treatment as no bills of medicines/hospital charges have been produced on record. Further the transportation/taxi bills submitted by the appellant-plaintiff in evidence have also not been proved. In the absence of there

being any evidence supporting the expenses, which he had incurred during and on his treatment, the Court rightly could not have granted him any compensation. The judgment passed by the learned Additional District Judge, Karnal, dated 05.09.2012 is in accordance with law, which do not call for any interference by this Court.

5. Finding no merit in the present appeal, the same stands dismissed.

6. In view of the dismissal of the appeal, the pending applications stands disposed of.

7. Photocopy of this order be placed on the file of connected case.

August 31, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**