

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

**RSA No.3215 of 2015 (O&M)  
Date of decision: 04.12.2015**

Main Pal and another

... Appellants

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMIT RAWAL**

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ajay Kumar Sharma, Advocate  
for the appellants.

**AMIT RAWAL J. (Oral)**

The appellant-plaintiffs are in Regular Second Appeal against judgment and decree of the lower Appellate Court, whereby, the damages to the tune of ₹1,50,000/- along with interest @ 6% per annum awarded by the trial Court has been reduced to ₹1,00,000/-.

Mr. Ajay Kumar Sharma, learned counsel appearing on behalf of the appellant-plaintiffs submits that the lower Appellate Court has not assigned any reason in reducing the aforementioned amount. There is umpteen documentary evidence brought on record vis-a-vis claim of damages amounting to ₹1,50,000/-.

I have heard learned counsel for the appellant-plaintiffs

and appraised the impugned judgments and decrees of the Courts below.

The lower Appellate Court, in my view, has given reasoning in reducing the amount which reads thus:-

*“17. In rebuttal, there is statement of DW1 Harish Kumar, Forest Block Officer, Samana, who in the affidavit tendered by him Ex.DW1/1 has repeated on oath case of defendants as given in the written statement. In his cross examination, he stated that he had never visited the spot and Block Officer is having charge of Goindpura forest though on a second thought he stated that Forest Guard is Incharge. He admitted that quite often the wild animals come out of the forest and damage the crops standing in the fields. He did not specifically deny that on 28.9.2010 wild animals like blue bull, roze, monkeys etc. had damaged the crop standing in fields of plaintiffs to the extent of three killas completely. From the record, it transpires that one Ranbir Singh son of Dalip Singh had approached Hon'ble High Court for issuance of direction to State of Punjab etc. and others for the purpose of installation of fencing wire and Hon'ble High Court vide order dated 26.05.1998 Ex.P8 had issued such direction but defendants are not shown to have complied with the same. Therefore, they cannot escape the blame for entry*

*of wild animals in the fields of the neighbouring agriculturist and causing loss to their crops.*

*18. Thus, from the cogent and convincing oral evidence produced by plaintiffs it comes out that on 28.9.2010 at night wild animals like blue bull, monkeys etc had come out of Gurdialpura forest in agricultural land of plaintiffs and damaged the paddy crop standing there completely in three acres of land whereas causing some little bit of damage to the crop standing in other fields for the reason that there is no obstruction in the form of boundary wall or barbed wire between Gurdialpura forest and agricultural land of the plaintiffs and for such reasons, plaintiffs are definitely entitled for the loss sustained by them from defendants but I find that trial Court has not properly calculated the damage caused. As per own case of plaintiffs, the damage sustained by them is to the extent of complete loss of paddy crop in three killas of land with small loss in other hand. From statement of PW8 Sh. Interpal Singh Sandhu, Agriculture Officer, Samana, a witness examined by plaintiffs themselves, the loss could be calculated to the extent of Rs.29,000/- per acre for three acres and thus loss comes out to Rs.87,000/-. Adding loss to the other crop standing in the other agricultural land of plaintiffs, say to the extent of*

*Rs.13,000/-, the total loss comes to Rs.1,00,000/- (Rupees one lac only) and to this extent the findings of trial Court on issue No.1 are required to be modified.”*

However, the findings given by the lower Appellate Court are based upon the appreciation of oral and documentary evidence being the last Court of facts and law. There is no illegality and perversity in the findings.

In view of the aforementioned, I do not intend to differ with the findings rendered by the lower Appellate Court, much less, no substantial question of law arises to be adjudicated by this Court.

Accordingly, the appeal is dismissed.

**(AMIT RAWAL)**  
**JUDGE**

**December 04, 2015**  
savita