

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.409 of 2015 (O&M)
Date of Decision.03.12.2015

Tarpatinderpal Singh and another

.....Appellants

Vs.

Manharpreet Singh and others

.....Respondents

Present: Mr. Arun Bansal, Advocate
for the appellants.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. Delay of 12 days in refiling the appeal is condoned.
2. The suit for damages filed by the legal representatives of the deceased was on a plea that the defendant was responsible for causing death and that he was also prosecuted criminally for offence under Section 302 IPC. It would appear that the trial of the criminal court resulted in conviction against the defendant and the defendant is in appeal before this Court and the appeal is pending. The plaintiff relied on the evidence of the son of the deceased as proof of the fact that the defendant was responsible for causing the death of his wife. He had claimed ₹3 lacs towards loss to the estate on account of the death of the 1st plaintiff's wife and had also claimed ₹2 lacs towards medical expenses. Toward proof of the expenses, the plaintiff appears to have relied on photocopies of the bills and the Court had admitted the same and granted the medical expenses also. This judgment was

confirmed in appeal and the second appeal is now argued that the defendant had applied under RTI with the authority where the husband was working for securing the details of whether medical expenses had been claimed for reimbursement or not. The information is reported to have been declined on the ground that it was a third party information and that the defendant was not competent to make such an enquiry.

3. I asked the counsel whether there had been any objection taken in the course of cross-examination to the plaintiff that the original bills had been produced to the employer and he has also obtained a reimbursement from the employer. The counsel admits that there had been no such cross-examination. If an evidence which can show that the plaintiff was not entitled to an unjust enrichment by having claimed an amount already and duplicating the claim through a civil suit also was not possible for the defendant in the manner contended by him, there is no scope for consideration of the case for the only reason that the photocopies had been filed.

4. The counsel also argues that the interest granted @10% is very high. There is nothing wrong about granting interest @10% per annum. There is no scope for making an intervention in the second appeal. The second appeal is dismissed as involving no substantial question of law.

(K. KANNAN)
JUDGE

December 03, 2015
Pankaj*