

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

RSA No.1448 of 2014(O&M)

Date of Decision:-05.02.2015

Rajinder Singh & Ors.

.....Appellants.

Versus

Jagir Singh & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Mandeep Singh, Advocate for the appellant.

JASWANT SINGH, J.(ORAL)

Defendants Rajinder Singh & Ors are in appeal aggrieved against the judgment and decrees passed the Courts below whereby their suit for recovery of Rs.5 lac was decreed along with interest at the rate of 9% per annum by the learned Civil Judge(Sr. Divn.), Ferozepur vide its judgment and decree dated 19.07.2011 and the findings thereof were affirmed by the learned Additional District Judge, Ferozepur vide judgment and decree dated 22.01.2014.

Learned Counsel for the appellant has vehemently argued that the learned Courts below have passed the impugned judgment and decree in a very hasty manner without properly appreciating the evidence on record. It was argued that the respondent/plaintiff has failed to prove his assertion in the plaint by leading cogent and reliable evidence.

After hearing learned Counsel for the appellant and perusing

the paper book, this Court is of the considered view that the present appeal is devoid of any merit and the same deserves to be dismissed.

The dispute in the present case is that plaintiff Jagir Singh is claiming compensation on the ground that he was working as Junior Engineer in Punjab State Electricity Board and was posted at Sub Station Mamdot on 17.07.2004 at about 10.00 PM. He along with Lineman Pala Singh and Lakhvir Singh went to check up Electric Motors and when they reached at Village Gatti Mattar near Dhani of defendant no.1 they noticed that three electric motors of defendant no.1/appellant no.1 were running at the spot. The said plaintiff/respondent removed the capacitor and starters of the said electric motors and came back. It was averred that when he was coming back defendant no.1/appellant no.1 armed with 12 bore gun and the other defendants armed with different weapons raised *lalkaara* and defendant no.1 fired the shot from his gun which hit the plaintiff/respondent on his right arm, right and upper side of his chest and one pallet hit at Bohar Singh. These averments made in the plaint were proved by plaintiff/respondent by examining himself as PW-1 and by also examining other witnesses who proved that the plaintiff/respondent is now suffering from disability due to the said incident. There is nothing contrary on the record which would lead this Court to come to a conclusion that the appellants/defendants were not involved in the case and that they had caused no harm to the respondent/plaintiff. It is further evident that whole of the evidence of the respondent/plaintiff before the learned Court remains unchallenged and unrebutted especially the fact that right arm of the respondent/plaintiff was amputated and there was a disability of 75% as per certificate Ex.P-6/A.

In view of the above, finding no question of law much less substantial question of law arising for determination in the present second appeal, the same is hereby dismissed.

**(JASWANT SINGH)
JUDGE**

February 05, 2015
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