

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

RSA No.557 of 2015 (O&M)

Date of Decision: 27.03.2015

Major Singh

.....Appellant

Versus

Joginder Kaur and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

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?

Present:- Mr. Ranjit Sharma, Advocate,
for appellant.

SHEKHER DHAWAN, J (ORAL)

The present Regular Second Appeal is against judgment and decree dated 25.11.2014 passed by Additional District Judge, Tarn Taran whereby appeal against judgment and decree dated 18.07.2013 passed by Addl. Civil Judge (Senior Division) Tarn Taran had been dismissed.

2. For the sake of convenience, the parties are being referred to as per their status before Court of first instance.

3. Appellant-defendant has challenged the judgments of the Courts below whereby he was directed to make payment of compensation to the tune of ₹4,00,000/- along with interest @ 6% per annum on account of murder of Nirmal Singh. Initially plaintiff Smt. Joginder Kaur and others had filed suit for recovery of ₹5,00,000/- on the ground that plaintiff No.1 is

mother of Nirmal Singh (since deceased), plaintiff No.2 being minor daughter and plaintiff No.3 being minor son of the deceased and plaintiff No.4 father of the deceased had filed suit for recovery on the ground that Nirmal Singh was running diary farm and doing agriculture work. He was of the age of 28 years. He used to earn ₹10,000/- per month from the agriculture and ₹7,000/- per month from diary farming. He was mercilessly murdered on 06.09.2004 by the appellant-defendant. Matter was reported to the police vide FIR No.122 dated 06.09.2004 and appellant-defendant already convicted and sentenced vide judgment dated 19.04.2006 for the offence under Section 302 of IPC and Section 27 of the Arms Act.

4. Appellant-defendant contested the suit that he has been falsely implicated in the alleged murder case of Nirmal Singh. Remaining facts regarding age of deceased and income of the deceased were denied. Plea was also taken by appellant-defendant that plaintiffs received insurance claim after death of Nirmal Singh and prayed that suit be dismissed.

5. Court of first instance settled the issues and parties led their respective evidence. Court of first instance decreed the suit for recovery of ₹4,00,000/- along with interest @ 10% per annum till the decision of the suit and @ 6% per annum till realization. Appellant-defendant challenged the said judgment by way of appeal before First Appellate Court and remained unsuccessful. Hence Regular Second Appeal before this Court.

6. As the present is a Regular Second Appeal before this Court, learned counsel for appellant-defendant could not make out a case that any substantial question of law was involved in this case rather it is a case of appreciation of evidence and both the Courts below have appreciated the evidence available on file. As such the present Regular Second Appeal is

not maintainable. Both the Courts below have already recorded concurrent findings and there being no substantial question of law involved in this case, the present Regular Second Appeal being devoid of any merit stands dismissed.

**(SHEKHER DHAWAN)
JUDGE**

March 27, 2015
msd