

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

**RSA No.3929 of 2014 (O&M)
Date of decision: 21.09.2015**

Shiv Kumar

... Appellant

Vs.

Ram Kumar and another

... 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. Jagdish Manchanda, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Challenge in the present appeal is to the concurrent finding of facts and law, rendered by the Courts below, whereby, the suit for damages to the extent of ₹9,27,000/- on account of multiple and grievous injuries stated to have been inflicted by the defendants, has been dismissed.

Mr. Jagdish Manchanda, learned counsel appearing on behalf of the appellant-plaintiff submits that on 09.03.2002, appellant-plaintiff suffered multiple injuries at the hands of defendants. The suit was filed on 09.03.2005. Defendant No.2, who contested the plaint averred that minor injuries were suffered by the appellant on account of self defence and it was a case of version and cross-version. Both

the Courts below have erroneously dismissed the suit on the premise that appellant-plaintiff has not been able to prove the injuries caused were at the hands of defendants or were related to the incident occurred on 09.03.2002.

I have heard learned counsel for the appellant/plaintiff and appraised the impugned judgments and decrees of the Courts below.

It is a matter of record that appellant-plaintiff in the suit categorically averred that FIR against the defendants was pending. The proceedings in the FIR have been culminated in the year 2014 as submitted by Mr. Jagdish Manchanda, Advocate and defendants have been convicted. In my view, appellant-plaintiff, did not have any cause of action to seek claim qua injuries, until and unless it is proved that injuries attributed to the appellants actually had been caused by defendants. No doubt the findings rendered by the criminal Court have no bearing on civil proceedings, but the plaintiff has to prove the same by leading direct and cogent evidence. The medical report, though proved, certain injuries but did not reveal that injuries suffered by the appellant had been attributed to the defendants. However, the appellant-plaintiff would have had a different cause of action only after decision by criminal Court whereby defendants have been convicted.

In view of the aforesaid reasoning, I do not find any illegality and perversity in the finding rendered by both the Courts

below in dismissing the suit, as well as, appeal, much less, no substantial question of law arises to be determined by this Court.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

September 21, 2015
savita