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

RSA No.653 of 2014 (O&M)
Date of Decision.04.09.2015

Jugraj Singh and another .....Appellants

Versus

Karamjit Kaur and others .....Respondents

Present: Mr. Surinder Garg, Advocate
for the appellant.

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 13 days in filing the appeal is condoned.

2. The second appeal is filed at the instance of the defendant who has suffered a decree for compensation brought at the instance of the plaintiffs for the death of the 1st plaintiff's husband alleged to have been a case of murder against the defendants. The defendants wanted to contend that the death was an act of self-defence but the evidence produced by the plaintiffs proved one important fact that the defendants were responsible for the death of the 1st plaintiff's husband Gurpyar Singh and the nexus of death to the act of the defendants having been established, the Court proceeded to determine a compensation. The plaintiffs also relied on the judgment of the criminal court that found the defendants guilty for offence under Section 302 IPC. While determining the compensation, the Court took note of the fact that the deceased was running a tyre and motor vehicle service business and it was considering

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that he was an assessee of income tax took ₹ 6500/- as monthly income and proceeded to apply the principles laid down by the Supreme Court in ***Sarla Verma Vs. DTC 2009(6) SCC 121*** for assessing the compensation. The trial Court's judgment fixing a compensation of ₹ 7,75,000/- was modified marginally to increase the compensation to ₹ 8,82,000/-. The judgments of two Courts below are subject of appeal before this Court.

3. Learned counsel appearing for the appellants states that the defendants' appeal against the judgment of conviction is pending before this Court and the Court could not have taken a positive view that the defendants were responsible for the death. It is also contended that the compensation assessed is very high and there was no justification for enhancement of compensation made by the appellate Court. I find that both these contentions cannot be justified at all, for, a criminal court judgment cannot guide the result in Civil Court and if the proximate cause for death is shown to be an act of the defendants in causing the death of the 1st plaintiff's husband, there was a legal justification under the Fatal Accidents Act to admit the claim for compensation. As regards the assessment to the quantum, the Court has taken a very modest amount of ₹ 6500/- as income for a person who was an income tax assesee and while providing for death compensation amount it has merely taken loss of dependence and had not provided for other conventional heads which are possible and which have been brought through the decision in ***Sarla Verma's case*** (supra) itself. I do not think the compensation assessed is very high for any intervention and I will make no modification with the judgments passed by the two Courts below.

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4. The second appeal is devoid of merits as involving no substantial question of law and I dismiss the second appeal.

(K. KANNAN)
JUDGE

September 04, 2015
Pankaj*

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