

In the High Court of Punjab and Haryana at Chandigarh

Date of Decision: 7.4.2016

RSA No. 543 of 2012

Mukhtiar Singh and others

---Appellants

vs.

Kulwinder Singh

---Respondent

RSA No. 871 of 2012

Chhinderpal Singh and others

---Appellants

vs.

Kulwinder Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Surinder Garg, Advocate
for the appellants

Mr. Parminder Singh, Advocate
for the respondent

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

This order will dispose of RSA Nos. 543 of 2012 and 294 of 2012 as common questions of law and fact are involved for adjudication. For the sake of convenience, the facts are taken from RSA No. 543 of 2012.

Kulwinder Singh respondent filed a suit for recovery of Rs. 15,00,000/- on account of compensation for damages and injuries suffered by him at the hands of defendants/appellants in an occurrence that took place on 11.9.2000 at about 6.45 a.m. in village Bhaliana Tehsil Giddarbaha District Sri Muktsar Sahib.

The learned trial court, on consideration of the pleadings, issues framed for determination, evidence adduced by the parties and rival submissions made by the respective counsel, partly accepted claim of the respondent and a decree for recovery of Rs. 1,63,000/- towards compensation was passed in his favour. The appeal preferred by the respondent/plaintiff was partly allowed and the respondent was held entitled to interest at the rate of 7% per annum on the amount of Rs. 1,63,000/- from the date of suit till actual payment.

The sole submission made by counsel for the appellants is that the appellate court committed a serious error rather illegality in allowing interest on the amount of compensation assessed by the learned trial court. It has been argued that interest is payable by a person who is under a legal obligation to refund the amount either taken as a loan or towards value of the supplies made in favour of the defendant(s). It is further argued that no interest is payable on the amount of compensation assessed by the trial court.

Counsel for the respondent, on the contrary, has supported the judgment passed by the appellate court with the submissions that once the appellants have been held liable to pay compensation to the respondent and the compensation becomes payable from the date of suit even if not from the date of sustaining injuries resulting in loss on several counts, no fault can be found in the judgment of the appellate court granting interest on the amount of compensation, by way of modification. It is further argued that the appellants have already paid the entire decretal amount in compliance with the decree passed by the court in appeal knowing fully well that they have an obligation to pay interest besides payment of compensation.

In response, counsel for the appellants has admitted that the appellants have already made the entire payment in satisfaction of the decree passed by the court in appeal.

I have heard counsel for the parties and perused the records.

The appellants have already discharged their obligation in compliance with the decree passed by the trial court and modified by the appellate Court. The trial court has held that the defendants are liable to pay compensation to the extent of Rs. 1,63,000/- for inflicting injuries to the respondent that led to initiation of criminal proceedings.

The appellate court in para 12 of the judgment has dealt with the question of quantum of compensation payable to the respondent. It has been referred thereto that the respondent proved on record bills Ex. P6 to P76 in regard to expenses incurred on his medical treatment at CMC Hospital, Ludhaina. The court has taken into consideration the criteria adopted in cases involving motor vehicle accidents for assessment of

compensation. Counsel for the appellants has not challenged the criteria adopted by the trial court in assessing the amount of compensation that has been upheld by the first appellate court. As the respondent has been held entitled to compensation by taking into consideration the criteria available for assessment of compensation in injury cases pertaining to motor vehicle accidents, I do not find any error much less illegality in the findings recorded by the first appellate court to allow interest at the rate of 7% per annum on the amount of compensation assessed by the learned trial Court. That being so, no question of law much less a substantial one arises for adjudication.

For the foregoing reasons, finding no merit, the appeals are dismissed leaving the parties to bear their own costs.

(Rekha Mittal)
Judge

7.4.2016
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