

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

**RSA 2299/2016(O&M)
Date of decision:14.09.2017**

The Central Institute of Hand Tools and another
.....Appellants

v.

Baljinder Singh
.....Respondent

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Ms.Upasana Dhawan,Advocate for the appellants/defendants

Jaswant Singh,J,(Oral).

Defendants/appellants are in second appeal against concurrent findings returned by the Courts below whereby suit of respondent/plaintiff for recovery on account of damages/compensation was decreed by the learned Civil Judge (Senior Division)Jalandhar,vide judgment and decree dated 24.3.2015 and findings affirmed in appeal by District Judge, Jalandhar vide judgment and decree dated 10.2.2016.

Heard learned counsel for the appellants.

The case set up by the respondent/plaintiff was that he was undergoing training for three years certificate course in Tools and Die Maker in the year 2005 under the appellant institute. On 11.9.2006 while undergoing training he met with an accident during the course of his training on a defective machine and suffered injuries to his right hand and arm below the elbow for which he remained admitted in hospital from 11.9.2006 to 7.9.2007. In the said accident he suffered permanent disability to the extent of 60% besides having spent around Rs.4 lacs on his medical treatment. Damages from the defendants were sought on the ground of (i) absence of any Instructor at the relevant time and (ii)plaintiff having been told to do his training job on a defective machine.

Upon notice, besides raising various technical objection,

respondents on merits, pleaded that plaintiff suffered injuries due to his own fault,negligence and carelessness. The machine on which he was working was working perfectly and that plaintiff had concocted entire story.

On the pleadings of the parties issues were framed. Plaintiff led evidence by stepping into witness box as PW1, while his batchmate Paramjit Singh appeared as PW2, and Dr.Jiwan Parkash,Professor,Deptt.of Orthopedics, CMC Hospital,Ludhiana and Dr.JS Dhami,Orthopedic Surgeon,Civil Hospital,Hoshiarpur appeared as PW3 and P-4 respectively. On the other hand to counter the evidence of plaintiff defendants examined one Munshi Ram Salla,Assistant Director of the defendant institute without any authority.

On the basis of material brought on record it stood proved that the accident had taken place in the manner stated by the plaintiff in which he suffered permanent disability to the extent of 60%. Both these facts having been proved the suit of the plaintiff was decreed by the trial court and findings affirmed in appeal by the appellate Court, as already noticed above.

At the time of hearing,learned counsel for the appellant has failed to raise any question of law much less substantial question of law warranting interference by this Court in this second appeal.

Dismissed.

14.09.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No