

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

(122)

**RSA-1229-2017 (O&M)
Decided on: July 14, 2017.**

Bawa Singh

.... Appellant

Versus

Rajinder Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Harchand Singh Batth, Advocate, for the appellant.

M.M.S. BEDI, J (ORAL)

CM-2954-C-2017

Delay of 120 days in re-filing the appeal is condoned.

CM-2955-C-2017

Delay of 34 days in filing the appeal is condoned.

CM-2956-C-2017

This is an application under Section 149 of CPC for making up the deficiency of Court fee.

For the reasons stated in the application, the appellant is permitted to make up the deficiency in Court fee.

RSA-1229-2017

The matter is taken up for preliminary hearing.

This is defendant's second appeal against the judgment and decree passed in favour of the plaintiff-respondent No.1, granting damages for the injuries suffered by the plaintiff-respondent No.1 pertaining to an incident of May, 2004.

Learned counsel for the appellant has argued that the Courts below have merely relied upon the judgments of the criminal Court which

are not admissible in evidence. He has further argued that the alleged permanent disability of the plaintiff-respondent No.1 and loss of memory and also the claim that he is not able to earn livelihood, is not proved by leading any cogent evidence.

After hearing learned counsel for the appellant at length, I am of the opinion that the Courts below have not merely relied upon the criminal proceedings pursuant to FIR No.53 dated 12.04.2004 registered at Police Station Lehra against defendant-appellant and others regarding the injuries having been inflicted on the person of plaintiff but the Courts below have considered the other circumstances proved by testimony of witnesses i.e. statement of plaintiff as PW-1, statement of PW-2 Balwant Singh eye witness to the occurrence, medical evidence produced by PW-5 Dr. Prem Chand who had found 7 injuries on the person of plaintiff.

No ground is therefore made out for interference in the concurrent finding of facts.

Counsel for the appellant has not been able to satisfy this Court that any substantial question of law is involved in the present case warranting interference in the judgment and decree passed by the Courts below.

The appeal is dismissed.

(M.M.S. BEDI)
JUDGE

July 14, 2017
harsha

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No