

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

**RSA No.4272 of 2017 (O&M)
Date of Decision: 13.09.2017**

Avtar Singh and another

... Appellants

Versus

Laxmi Rani

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Atul Kaushik, Advocate,
for the appellants.

ANIL KSHETARPAL, J. (ORAL).

The defendants are in Regular Second Appeal against the concurrent finding of fact arrived at by the Courts below.

The plaintiff had filed a suit for recovery of damages to the tune of Rs.30,00,000/-. The plaintiff claimed that she is the mother of the deceased Raj Kumar, aged 21 years, who committed suicide on 07.08.2008 due to abetment by the defendants. It is further asserted that the plaintiff registered the FIR against the defendants/appellants. In the criminal case, the defendants have been convicted.

The defendants on the other hand contested the case on the ground that their appeal against the conviction is pending.

Learned trial Court after appreciating the evidence available on the file, decreed the suit filed by the plaintiff to the extent of Rs.8,74,000/- along with interest at the rate of 12% p.a from the date of filing of the suit till the date of its decree with future interest at the rate of 6% p.a. from the date of decree till its realisation.

The defendants filed the first appeal. The learned first Appellate Court after reappreciating the evidence available on the file upheld the finding of the trial Court.

Learned counsel for the appellants has submitted that the judgement of conviction against the defendants/ appellants has not become final. He has further submitted that there is a misreading of evidence.

I have considered the submission of the learned counsel for the appellants.

The civil Court has to record a finding on appreciation of the evidence available on the file. The judgement passed by the criminal Court is not binding on the civil Court. In the present case, the Courts below after appreciating the evidence available on the file have recorded a concurrent finding of fact that the defendants are liable to pay damages as they forced to the son of the plaintiff to commit suicide.

The second argument of the learned counsel for the appellants is that there is a misreading of evidence. However, the learned counsel could not point out any substantive misreading of evidence which would change the result of the case.

For the reasons recorded above, I do not find any good ground to interfere with the concurrent finding of fact recorded by the Courts below.

The appeal is dismissed.

(ANIL KSHETARPAL)
JUDGE

13.09.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No