

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.5333 of 2017 (O&M)

Date of decision: 02.12.2017

Sukhdev Singh and others

..... Appellants

Versus

Tehal Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. A.P.S. Sandhu, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

CM-14244-C-2017

Application is allowed and exemption from filing certified copies of impugned judgments and ground of appeal is granted.

CM-14245-C-2017

Delay of 120 days in re-filing the appeal is condoned for the reasons given in the application as the appellants are confined to jail.

Application is allowed.

Main Case

Defendants-appellants are in regular second appeal against the concurrent findings of facts arrived at by both the Courts below.

Plaintiffs i.e. parents of late Sh. Dilbagh Singh who was murdered on 07.02.2011 had filed a suit for recovery of Rs.30 lacs as compensation by way of damages on account of murder of Dilbagh Singh at the hands of defendants No.1 to 4.

It is not in dispute that in a criminal case, defendants No.1 to 3 have been convicted and undergoing sentence.

Both the Courts below after appreciating the evidence available on the file decreed the suit.

Learned trial Court after noticing that Dilbagh Singh was a young man of 29 years having good health and was in the occupation of agriculture, assessed the income of the deceased at Rs.10,000/- per month. Looking into the future prospects, 50% was added and thereafter deduction of 50% per cent was applied to arrive at a dependency of Rs.7500/-. Dilbagh Singh was a bachelor.

Learned counsel for the appellants has submitted that the income of the deceased has been taken on a higher side. He has submitted that a skilled labourer in 2011 was earning daily amount of Rs.182/- as per the minimum wages prescribed by the State of Punjab.

I have considered the submission. However, I do not find any substance therein. An agriculturist cannot be equated with a person earning minimum wages. It has come on record that father of the deceased was owner of five and a half acres of land whereas the deceased-Dilbagh Singh was owner of 06 kanals. Once it is proved on the file that the family was owning sufficient agriculture land, the income of the deceased could not be taken equivalent to the minimum wages.

Taking into consideration the finding of fact arrived at by the Courts below, this Court does not find any good ground to interfere with the orders passed by the Courts below.

Appeal is dismissed.

02.12.2017
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No