

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

**RSA No.1740 of 1992 (O&M)
Date of Order: 07.12.2018**

Kulwant Singh and others

..Appellants

Versus

Smt. Mohinder Kaur and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. M.L.Saggar, Sr. Advocate, with
Ms. Arman Saggar, Advocate,
for the appellants.

ANIL KSHETARPAL, J(Oral)

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by both the courts below while decreeing the suit filed by the plaintiffs for recovery of Rs.1,00,000/- as damages on account of the fact that Satnam Singh has been killed by the defendants-appellants.

While admitting the appeal, execution of the decree was not stayed. It is not in dispute that the amount has already been paid.

Learned senior counsel appearing for the defendants-appellants has submitted that some of the appellants have been acquitted by the trial court on 30.05.1981 and two appellants, namely, Manjit Singh and Kulwant Singh were convicted but acquitted by the High Court on 17.11.1981. It is well settled that the judgment passed by the court while deciding a criminal case is not binding on the civil court. In the present case, a finding of fact has been arrived at by the courts below and the first appellate court even

after noticing that the High Court has acquitted the remaining 2 accused, still on appreciation of evidence recorded a finding against the appellants and dismissed their appeal.

Keeping in view the findings of fact as also while noticing that the payment has already been paid, this court does not find any good ground to interfere with the concurrent findings of fact arrived at by both the courts below.

The regular second appeal is dismissed.

December 07, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No