

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

RSA No.4842 of 2016 (O&M)

Date of Decision: 23.04.2018

Rajinder Pal Singh @ Pappu

.....Appellant

Vs.

Ram Piari and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Sumit Jain, Advocate for the appellant.

Mr. L.S. Sidhu, Advocate for the respondents.

KULDIP SINGH, J.(Oral)

Impugned in the present Regular Second Appeal is the judgment dated 08.07.2016 passed by the learned Additional District Judge, Patiala affirming the judgment and decree dated 14.8.2013 passed by the learned Additional Civil Judge (Senior Division), Patiala, vide which in a suit for damages filed in the year 2005, a compensation to the tune of ₹4 lakhs was awarded on account of murder of Teja Singh alongwith interest @ 6% per annum from the date of filing of suit till the date of decree and pendentelite interest @ 6% per annum on the said amount was also awarded.

I have heard learned counsel for the parties.

As per the case of the plaintiffs, deceased Teja Singh along with one Gurjeet Singh was murdered by defendant- appellant on 5.3.2005 at about 1:30 PM by firing shots from his 12 bore gun. Deceased Teja Singh was 40 years of age at that time and it was claimed that he was doing

flourishing business of property dealer. He was also doing the business of dairy products and also having agricultural land, therefore, damages to the tune of ₹5 lakhs were claimed. It comes out that defendant- appellant has since been convicted by the Sessions Court. His conviction has been upheld by this Court and as per the stand of the parties, after undergoing sentence, the defendant- appellant has since been released from jail. Before the trial Court, it was found that deceased was not income tax assessee. However, considering his earning potential, compensation of ₹4 lakh was awarded as stated above.

I am of the view that there is no illegality in the judgments of both the Courts below. Even if, it is assumed that deceased Teja Singh was an ordinary labourer, even then the compensation of ₹4 lakh on account of loss of income, loss of consortium to the widow and loss of love and affection to the minor plaintiff cannot be called excessive or on the higher side. From the perusal of concurrent findings of both the Courts below, no ground is made out to interfere in the impugned judgments.

Dismissed.

Since the case is dismissed, pending CM, if any, also stands disposed of.

April 23, 2018
renu

(KULDIP SINGH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	No