

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

RSA No.6794 of 2016 (O&M)
Date of decision :23.08.2018

Ram Lal and others

...Appellants

Versus

Sita Ram and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gourav Jain, Advocate
for the appellants.

ANIL KSHETARPAL, J. (Oral)

Defendants-appellants are in the regular second appeal against the concurrent findings of facts arrived at by both the courts below while decreeing a suit for damages on account of injuries inflicted by defendants-appellants on the plaintiff. Learned trial Court decreed a suit for damages for a sum of ₹60,000/- which has been enhanced by the First Appellate Court to ₹ 1,00,000/-.

Learned counsel for the appellants has submitted that in the criminal case arising from the same incident, defendant-appellants have been acquitted. He submitted that since in the criminal case, they have been acquitted, therefore, the suit filed by plaintiff is liable to be dismissed. He further submitted that the evidence of DW1 has not been considered by the Courts below.

This Court has considered the submissions of learned counsel for the appellants and with his able assistance gone through the judgments

passed by both the courts below.

In the criminal case, prosecution is to prove the guilt of the accused “beyond any reasonable doubts” whereas the civil cases are decided on the basis of “preponderance of evidence”. It is well settled that judgment passed by the criminal Court is not binding on the Civil Court. However, the Civil Court has to appreciate the evidence led before it and arrive at a conclusion. Hence, there is no force in the first submission of learned counsel.

With regard to second argument, it will be noted that the evidence of DW1-Ram Lal has been discussed in para 15 of the judgment passed by the trial Court whereas evidence of DW1-Ram Lal has been discussed by the First Appellate Court in para 17 and 18 of the judgment, therefore, submission of learned counsel is factually correct.

Keeping in view the findings arrived at by both the Courts below which is not shown to be perverse, misreading or non-reading of evidence, this Court does not find any good ground to interfere.

Accordingly, the Regular Second Appeal is dismissed.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid judgment.

23-08-2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No