

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 6897 of 2016 (O&M)

Date of Decision: 19.03.2018

Gurpreet Singh @ Gopi

.....Appellant

Versus

Harbhajan Kaur and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarabjit Singh Khaira, Advocate
for the appellant.

SURINDER GUPTA, J.

Plaintiffs-respondents filed suit for recovery of ₹3 lakh as compensation for murder of Sulakhan Singh by appellant. As per case of plaintiffs-respondents, appellant was playing cricket with Manpreet Singh @ Diddu on 27.03.2009. Their ball fell in the house of plaintiff-respondent no. 1-Harbhajan Kaur and she scolded the appellant on this account. Appellant came to the house of deceased and hurled filthy abuses. He also threatened to kill him and threw a brick at the deceased from the house of his roof. The brick hit deceased on the head and he suffered serious injury and died, when taken to Civil Hospital. The appellant denied that he had murdered Sulakhan Singh, rather averred that the deceased was old man of 75 years and fell down from the stairs resulting in his death.

2. Learned trial Court on the basis of evidence on record decreed the suit and awarded compensation of ₹1 lakh to plaintiffs-respondents. The appellant filed appeal, which was also dismissed.

3. Learned counsel for the appellant has argued that Courts below have taken note of conviction of appellant by the criminal Court while

awarding compensation. In civil proceedings judgment of criminal Court is not admissible, as such, both the Courts below have committed grave error of law and judgments passed by Courts below are liable to be set aside on this short ground.

4. It is a settled proposition of law that findings of criminal Court are not binding in civil proceedings, however, the same can be looked into to decide the controversy arising in a suit. Plaintiffs have examined Harbhajan Kaur, eye-witness of the occurrence, who has deposed about the incident. Her statement coupled with the fact that the appellant was also convicted in a criminal case, led learned Ist Appellate Court to conclude that the appellant had caused the death of Sulakhan Singh. Learned counsel for the appellant could not point out any other legal or factual infirmity in findings recorded by lower Courts below. So far as quantum of compensation is concerned, the same has not been challenged.

5. In view of above facts, I find no merit in this appeal and the same is dismissed.

March 19, 2018

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No