

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

RSA-207-2017 (O&M)

Date of decision: July 30, 2018

Kirpal Singh and another

...Appellants

Versus

Paramjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. N.K. Vadehra, Advocate for the appellants.

Rajan Gupta, J.

Present appeal has been preferred to impugn findings of two courts below on the ground that same are perverse and based on misappreciation of evidence.

Plaintiffs (respondents No.1 to 6 herein) filed a suit for recovery of Rs.10.00 lacs alongwith interest. Initially, the suit was decreed by the court of Addl. Civil Judge (Sr. Divn.), Gurdaspur on 23.07.2012, granting Rs.5.00 lacs as compensation to the plaintiffs. However, in appeal vide order dated 30.04.2015, passed by Addl. District Judge (Ad hoc), Fast Track Court, Gurdaspur, case was remanded back to the trial court with a direction to pass a fresh order regarding compensation/damages. Brief factual matrix of the case are that plaintiff No.1 is wife, plaintiffs No.2 to 5 are sons/daughters and plaintiff No.6 is mother of deceased Balkar Singh. On 6.6.2007, defendants murdered Balkar Singh, regarding which FIR No.72 dated 7.6.2007 was registered

in Police Station Kahnuwan, under section 302/34 IPC against them. After completion of investigation, challan was submitted before the competent court. Plaintiffs by filing the suit, claimed compensation of Rs.10.00 lacs on account murder of Balkar Singh. Suit was resisted by the defendants, who took up the pleas that none of the plaintiffs was dependent upon deceased Balkar Singh. They also denied murder of Balkar Singh by the defendants. The trial court keeping in view the fact that deceased was 42 years of age at the time of his murder by the defendants, assessed his monthly income @ Rs.5000/- and after deducting 1/3rd of the said amount for personal expenditure of the deceased, monthly dependency of the plaintiffs was assessed @ Rs.3333/- i.e. Rs.40,000/- per annum. Thus, vide judgment/decreed dated 9.7.2015, suit of the plaintiffs was decreed directing defendants to pay Rs.7,20,000/- to the plaintiffs jointly and severally. Aggrieved, defendants Kirpal Singh and Wasakha Singh preferred appeal. Plaintiffs also filed cross-objections. Vide judgment/decreed dated 28.9.2016, the Additional District Judge, Gurdaspur partly allowed the appeal as well as cross-objections and modified judgment and decree of the trial court to the extent that plaintiffs were entitled to recover Rs.5,60,000/- as compensation/damages with costs alongwith interest @ 6% per annum from the date of filing the suit i.e. 20.12.2007 till realization of the amount, by observing that since the case was pending since 20.12.2007, plaintiffs were also entitled to interest from the defendants. However, other findings of the trial court were affirmed by the lower appellate court.

Only plea raised before this court is that judgments of two courts below are based on misappreciation of evidence as well as law. I find no substance in this plea. A perusal of concurrent findings of two courts below reveals that same suffer from no infirmity. No other substantial question of law has been urged.

Dismissed.

(RAJAN GUPTA)
JUDGE

July 30, 2018
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No