

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1834 of 2018(O&M)
Date of Decision-06.09.2018

Lakhwinder Singh @ Lakhi ... Appellant
Versus
Ranjit Singh and others ... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Mamli, Advocate
for the appellant.

RAJ MOHAN SINGH, J.

[1]. Defendant No.2 has preferred this regular second appeal against the concurrent judgments and decrees passed by the Courts below, vide which suit for recovery filed by the plaintiff was decreed.

[2]. Plaintiff filed a suit for recovery as indigent person on the ground that he is a mason and used to take contracts of construction of buildings. Defendants were keeping grudge against the plaintiff. On 06.01.2007, plaintiff was sleeping along with his family and at about 11.00 PM, defendant No.2 called the plaintiff in his name and told him that he is Lakhi who is speaking. Plaintiff thought that defendant No.2 is of his village and he must have come for some work. Plaintiff opened the gate of his house and saw defendant No.2 and other 5-6 persons were present who were duly armed with deadly weapons. They attacked the plaintiff and inflicted many injuries. Wife of the plaintiff came there and

she tried to rescue the plaintiff and the assailants gave beatings to her also. Three brothers of the plaintiff on hearing the alarm also attracted to the spot. On seeing them, the assailants fled away from the spot. Plaintiff became unconscious and was taken to CHC, Ladwa. MLR was prepared and the plaintiff was referred to LNJP Hospital, Kurukshetra. Plaintiff received four injuries as per MLR dated 07.01.2007 including fracture in right leg and injuries on the head, shoulder and hands. Plaintiff remained hospitalized in Dahiya Hospital, Ladwa from 07.05.2007 to 17.05.2007, where fresh operation was done as the operation done by LNJP Hospital was not successful and steel rod was inserted in his right leg. Plaintiff claimed that he was under treatment at the time of filing of the suit. FIR was registered against the defendants for the offences under Sections 323, 325, 506, 452, 34 IPC.

[3]. Trial Court after due assessment of loss of earnings keeping in view the vocation of the injured and keeping in view the age of the injured, awarded an amount of Rs.60,000/- in lump sum along with interest @ 6% per annum from the date of filing of the suit till final realization of the amount. The lump sum amount awarded by the trial Court was upheld by the Lower Appellate Court. Trial Court has adopted the method of calculations as per principles of claim cases under Motor Vehicles Act, but ultimately awarded consolidated amount of Rs.60,000/-.

[4]. Since the claimant has not filed any cross appeal, I refrain myself from commenting upon the entitlement of the injured plaintiff on the basis of intensity and gravity of injury and the amount of compensation to which he is entitled to. In any circumstance, the award made by the Courts below cannot be held to be on higher side. No law point worth consideration is involved in the present regular second appeal, nor the findings recorded by the Courts below can be said to be on account of misreading of evidence or suffered with any perversity. The present regular second appeal is found to be totally devoid of merits and the same is accordingly dismissed in limine.

[5]. Since the main appeal has been dismissed on merits in limine, therefore, there is no necessity to pass any order in the miscellaneous applications. The same are accordingly disposed of.

(RAJ MOHAN SINGH)
JUDGE

06.09.2018

Prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No