

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

RSA No.2500 of 2017

Date of Decision: November 22, 2018

Pirithi Singh

...Appellant

Versus

Rattan Singh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

**Present: Mr. Abhinav Sood, Advocate for
Mr.Vikram Singh, Advocate,
for the appellant.**

AMIT RAWAL, J. (Oral)

Appellant-plaintiff has not been satisfied with the damages awarded by the Lower Appellate Court to the extent of ₹ 50,000/- by modifying the ex-parte decree of the trial court.

Plaintiff claimed a sum of ₹ 5,00,000/- on the premise that he was owner in possession of a plot measuring 13½ marlas, i.e., 401 sq.yards and had entered into an agreement dated 19.01.2006 in favour of one Daya Chand. The agreement contained a clause of execution and registration of the sale deed at the choice of the vendee. The sale deed was executed on 20.03.2006. Thereafter, Rattan Singh and Hari Kishan, defendant Nos.1 and 2, served a legal notice dated 04.07.2006 alleging fraud on the part of the plaintiff, which was duly replied. It was alleged that Daya Chand with whom the plaintiff had entered into an agreement had further executed an agreement in favour of one Puran Mal, who further entered into an agreement with defendant Nos.1 and 2. Even criminal prosecution was also

lodged resulting into discharge of the plaintiff in 2011, but during all this period, there was a compromise in the Panchayat, whereby defendant Nos.1 and 2 were compensated. It is in these circumstances, the suit on 09.12.2008, before discharge, was filed.

Mr. Abhinav Sood, learned counsel appearing on behalf of the appellant-plaintiff submitted that the mental agony was sought to be quantified in terms of money, i.e., liquidated damages which is on lesser side as the land was sold for a price of ₹ 10,80,000/-. Both the courts below, though agreed, but not quantified the amount as sought.

I am afraid, the aforementioned argument is not sustainable as there is no hard and fast formula for awarding compensation in the absence of any concrete and cogent evidence. The only point which weighed in the mind of the Lower Appellate Court in awarding the compensation was that the plaintiff was aged 85 years. I do not subscribe to the argument to form a different opinion than the one arrived at. No ground for interference is made out, much less involvement of any substantial question of law. Resultantly, the appeal is dismissed.

November 22, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No