

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

**RSA No.2543 of 2018 (O&M)**

**Date of decision: 01.05.2018**

**Jagbir Singh and another**

**.....Appellants**

**Versus**

**Sunita**

**.....Respondent**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Arun Sharma, Advocate,  
for the appellants.

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**Ritu Bahri, J.**

This appeal has been filed against the judgment dated 19.03.2018 passed by the Additional District Judge, Karnal, dismissing an appeal filed by defendant-appellants against the judgment and decree dated 16.08.2016 passed by the Civil Judge (Junior Division), Assandh whereby suit for recovery by way of compensation filed by plaintiff-respondent, has been decreed.

Sunita-plaintiff (respondent herein) filed a suit for recovery alleging that on 30.04.2013, at about 6.00 A.M., she (plaintiff) was in her house and her brother-in-law Paramjeet Singh was irrigating the *barseem* crop in the fields, situated near their house. In the meantime, defendant No.1-Jagbir Singh came there and started giving abuses and beatings to Paramjeet Singh. He also took water from their fields forcibly. Due to this, a quarrel took place between them. Plaintiff-Sunita and Monica wife of Paramjeet Singh also came at the spot and tried to save Paramjeet Singh from defendant No.1. Thereafter, defendant No.1-Jagbir Singh asked defendant No.2-Mukesh through his mobile phone to come to the field

along with sword and fighting material. After sometime, defendant No.2

came there armed with sword and *danda*. Thereafter, Defendant No.1 gave a sword blow to plaintiff and second blow to Paramjeet. However, Paramjeet managed to save himself with the help of *danda*. Defendant No.1 again gave a sword blow, which hit left arm of the plaintiff. Mukesh-defendant No.2 also gave *danda* blow to plaintiff, which hit on her left arm. They also gave beatings to Anil and Monika. Upon this, plaintiff raised an alarm, which attracted Rajpal, Balbir and Gulab, who came to the spot. On seeing them, both the defendants fled away along with their weapons. Plaintiff was taken to Govt. Hospital, Assandh, from where, she was referred to Govt. Hospital, Karnal for medical examination. She also remained admitted in Virk Hospital, Karnal. Consequently, plaintiff served a legal notice dated 28.04.2014 upon the defendants requesting them to make payment of compensation amounting to Rs.2,00,000/-. But, the defendants refused to accede to her request. Hence, the suit.

Upon notice, defendant (appellants) filed written statement taking preliminary objections with regard to maintainability of the suit, cause of action, locus standi, estoppel, jurisdiction, mis-joinder & non-joinder, concealment of true facts etc. On merits, it was denied that defendant No.1 came to the fields of plaintiff and gave her beatings. It was also denied that he had taken water from the fields of plaintiff forcibly. It was also denied that defendant No.2 came to the fields along with sword and *danda*. It was stated that no occurrence, as alleged, had taken place. All other allegations made in the plaint were denied and prayer for dismissal of the suit was made.

From the pleadings of the parties, following issues were framed by the trial Court:-

1. Whether the plaintiff is entitled to recovery of Rs.2,00,000/- as compensation on account of damages for injury caused by wrongful acts of defendants along with interest @ 24% per annum? OPP
2. Whether the suit is not maintainable? OPD
3. Whether this Court has no jurisdiction to try the present suit? OPD
4. Whether the plaintiff has not come to the Court with clean hands and has suppressed the true and material facts from this Court? OPD
5. Relief.

Trial Court, after going through the evidence led by the parties, decreed the suit of plaintiff-respondent. Findings of trial Court have been affirmed by the first Appellate Court. Both the Courts below have observed that Dr. Rakesh Jindal (PW-8) had proved the admission slip Ex.PW8/A of Virk Hospital, Karnal, consent letter Ex.PW8/B, examination history Ex.PW8/C, operation notes Ex.PW8/D, Medicine report Ex.PW8/E and anesthesia record chart Ex.PW8/F. He had operated on the nerves of the wrist of Sunita-plaintiff. Dr. J.K. Gulati (PW-6) had proved the OPD slip Ex.PW6/A & Ex.PW6/B, discharge summary Ex.PW6/D, bill receipt Ex.PW6/E to Ex.PW6/I. He also deposed that the patient (plaintiff) was operated by Dr. Rakesh Jindal, Plastic Surgeon, as she had come with the history of cutting of the nerves of left wrist. She was operated on 30.04.2013 and discharged from the hospital on 02.05.2013. As per version of the plaintiff, defendant No.1 gave a sword blow to the plaintiff, which hit on her left wrist. Mukesh, wife of defendant No.1, had also gave a danda blow to the plaintiff. Rajender Kumar, Photographer (PW-2) had proved the photographs Ex.PW2/B and Ex.PW2/C showing the land of the plaintiff.

The above evidence was sufficient to return a finding that the

plaintiff (respondent) had received injuries at the hands of defendants (appellants) and was also operated upon. The defendants (appellants) had taken a plea that they had also filed a criminal complaint Ex.D1 against the plaintiffs. Even in this complaint, the date of incident is mentioned as 30.04.2013. Hence, the occurrence is not disputed by the parties. Since, the plaintiff had led sufficient documentary as well as oral evidence, her suit was decreed by both the Courts below. Ultimately, plaintiff was held entitled to recover Rs.1,00,000/- from defendant-appellants jointly and severally for causing aforesaid injuries.

After going through the impugned judgments, this Court is of the view that plaintiff-respondent had led sufficient evidence to show that she had spent about Rs.19,000/- on her treatment in the Virk Hospital, Karnal, as per bill receipts Ex.PW6/D, Ex.PW6/E and Ex.PW6/I. As per certificate Ex.PW5/A, she has suffered disability to the extent of 40%.

After going through the impugned judgments and documents relied upon by the parties, no illegality, much less perversity, has been found therein, warranting interference by this Court. The suit has been rightly decreed by the Courts below. The evidence has been appreciated in the right perspective.

No substantial question of law arises for consideration in this appeal.

Dismissed.

01.05.2018  
ajp

**(RITU BAHRI)**  
**JUDGE**

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|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether reportable        | : Yes/No |