

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

RSA No. 3148 of 2017

Date of decision : 14.08.2018

Nachattar Singh & ors.

....Appellants

V/s

Jaswant Singh & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vivek Suri, Advocate for the appellants.

RAJAN GUPTA J.

Present appeal has been preferred by defendants-appellants aggrieved by judgments of two courts below whereby suit filed by plaintiffs has been decreed. Learned counsel for the appellants has argued that courts below did not appreciate the evidence in correct perspective. Sufficient evidence was led by the defendants to prove that compensation has been awarded merely on the basis of assumptions and without any cogent evidence. As such suit filed by plaintiffs-respondents was not maintainable.

I have heard learned counsel for the appellants.

A suit was preferred by plaintiffs-respondents for recovery of ₹8.00 lacs as damages/compensation on account of death of their father-Labh Singh caused by defendants by their wrongful act. It was averred that on 24.04.2012 at about 7/8:00 P.M. deceased Labh Singh and defendant Nachattar Singh had a tiff at the Grain Market, Jaurkian. Thereafter, on 25.04.2012 at about 3.00 A.M. Nachattar Singh alongwith his sons armed with weapons came at the grain market and inflicted various injuries on the person of Labh Singh while he was lying on the cot. On raising hue and cry, Nachattar Singh and his companions left the spot alongwith their respective weapons. Motive behind the incident was a grudge against Labh

Singh and his brother Veer Singh as they had purchased two acres of land from the brother of Nachattar Singh. He was immediately taken to Government hospital, Talwandi Sabo from where he was referred to Civil hospital, Ludhiana. However, on 06.05.2012 he succumbed to his injuries. FIR was lodged on the statement of Sukhdev Singh, brother of deceased Labh Singh. It was stated that during the course of treatment of Labh Singh, plaintiffs incurred huge expenditure and also suffered mental pain and pecuniary loss, were entitled to compensation. Suit was contested by the defendants-appellants. They took the plea that a false case had been registered against them. Thus, suit was not maintainable. On the basis of evidence led before the trial court, it came to the conclusion that defendants by their wrongful acts had committed murder of Labh Singh, thus, plaintiffs were entitled to ₹8,00,000/- as compensation/damages. Findings were unsuccessfully challenged before the appellate court. Learned counsel for the appellants has not been able to show any infirmity with the concurrent findings of two courts below warranting interference in second appeal. It appears that sufficient evidence was led by plaintiffs to prove on record that defendants by their unlawfully act have caused injuries on the person of Labh Singh as a result of which he died. The courts below, thus, assessed the loss suffered by the plaintiffs and awarded the compensation under the head of loss of love and affection, funeral expenses, loss of estate etc. No other substantial question of law has been urged.

In view of above, present appeal is without any merit and is hereby dismissed.

August 14, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No