

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.3412 of 2018 (O&M)

Date of decision: 06.07.2018

Varinder Singh and another

..... Appellants

Versus

Jagdev Singh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pardeep Kumar, Advocate
for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Defendants-appellants are in the regular second appeal against the concurrent finding of fact arrived at by the Courts below while decreeing the suit for recovery of Rs.6,00,000/- on account of damages and compensation for causing injuries to the plaintiff, for financial loss and expenses incurred on the treatment.

It is not in dispute that in the police case which was registered on account of the aforesaid incident, the appellants have been convicted which has been upheld in appeal.

Both the Courts have noticed that both legs of the plaintiff were broken and there were bilateral fractures. The plaintiff-respondent had to be operated upon. In these circumstances, both the Courts after examining the evidence available on the file have decreed the suit.

Learned counsel for the appellants has submitted that the appellants had already convicted in the criminal case and therefore,

damages could not be awarded. He has further submitted that there is no proof of income of the plaintiff and therefore, the amount awarded is excessive.

This Court has considered the submissions. In a criminal case, punishment has been awarded as per Indian Penal Code. However, in a civil case which is for recovery of damages, compensation and expenses incurred on the treatment, a civil suit is maintainable and the person who has suffered on account of the offence committed by the other party, is entitled to maintain a suit for award of the compensation. Hence, there is no force in the first submission of learned counsel for the appellants.

As regards the second submission, it will be noted that both legs of the plaintiff-respondent were broken. There were bilateral fractures and the plaintiff-respondent had to undergo surgery. The respondent-plaintiff was a practicing Advocate. He has to remain confined to bed for almost six months. The plaintiff has appeared in the evidence and has produced voluminous evidence proving the continuous treatment and expenses borne thereon.

In view of the above, this Court does not find any good ground to interfere with the concurrent finding of fact arrived at by the Courts below.

The pending miscellaneous application, if any shall stands disposed of accordingly.

Appeal is dismissed.

06.07.2018

Dinesh Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No