

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

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RSA No.4706 of 2018 (O & M)
Date of Decision:14.08.2018

Sandeep Kumar and others

...Appellants

Versus

Sham Sunder

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Inderjeet Singh Chawla, Advocate
for the appellants.

ANIL KSHETARPAL, J.

Defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the Courts below.

Plaintiff-respondent- Sham Sunder filed a suit for recovery of Rs.5 lakhs as damages for injuries inflicted by the defendants-appellants upon the plaintiff. Defendants contested the suit and pleaded that they are innocent and falsely implicated in the criminal case.

Learned trial Court after noticing that in the criminal case, arising from the incident defendants-appellants have been convicted and after appreciating the evidence available on the file, decreed the suit to the extent of Rs.1,25,000/-. Two appeals were filed, one by the plaintiff for enhancement and second by defendants for dismissal of the suit.

Learned First Appellate Court after re-appreciating the evidence dismissed both the appeals.

Learned counsel for the appellants could not draw attention of the Court to any perversity or misreading and non-reading of evidence

committed by the Courts below.

Learned counsel for the appellants further submitted that appeal is pending against the judgment and conviction. In the considered view of this Court, pendency of appeal against a judgment of conviction cannot be made basis to keep the matter pending. Both the Courts have appreciated the evidence independently and decided against the defendants-appellants.

Regular second appeal is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above said judgment.

14.08.2018
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(ANIL KSHETARPAL)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No