

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

RSA No.3408 of 2018 (O&M)

Date of Decision:07.03.2019

Rohit

...Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ajay Jain, Advocate for the appellant.

ANIL KSHETARPAL, J.

The plaintiff-appellant is in the regular second appeal praying for enhancement of damages awarded by the learned first appellate court to the tune of Rs.60,000/- for malicious prosecution.

Learned counsel for the appellant submitted that the appellant had to face criminal prosecution which was foisted upon him maliciously. He further submitted that amount of Rs.60,000/- awarded is on the lower side.

This Court has considered the submissions.

The dispute is only with respect to quantum of damages which are required to be awarded. The plaintiff was required to prove as to how damages as claimed to the tune of Rs.10,00,000/- are payable. The learned first appellate court has rightly assessed the damages of Rs.60,000/- in absence of any evidence with regard to quantum of damages. In appeal in absence of any material or evidence, there is no scope for enhancement.

In view of the above, there is no ground to interfere. Hence, regular second appeal is dismissed. Pending application(s), if any, shall also stand disposed of, in terms thereof.

07.03.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No