



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

212

**RSA-3306-2000 (O&M)
Date of decision : 01.10.2024**

Ujagar Singh

..... Appellant

versus

Joginder Singh and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bikramjit Singh Batth, Advocate
for the appellant.

Ms. Ishani Goyal, Advocate and
Mr. Deepika, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

1. Defendant is in appeal.
2. For convenience, parties hereinafter are referred to by their original position in the suit i.e. the appellant as defendant and respondents as the plaintiffs.
3. Plaintiffs filed suit for recovery of Rs.1,35,000/- as damages on account of injuries inflicted on him by the defendant.
4. As per the pleadings raised in the paint, the defendant caused grievous injuries with a spear in his abdomen and defendant/respondent No.2 Tarsem Singh caused grievous injuries with spear in right flank of the plaintiff-Joginder Singh at village Borran.
5. Suit was contested by the defendant. It was claimed that no injury was caused by the defendant to the plaintiff. Injuries were inflicted
by Nasib Singh, real brother of Ujjagar Singh-defendant.



6. On the basis of the pleadings, the learned Trial Court framed the following issues:-

“1. Whether plaintiff is entitled to recover Rs.1,35,000/- from the defendants as compensation?

OPP

2. Relief.”

7. Issue No.1 was partly decreed in favour of the plaintiffs.

8. In appeal preferred by appellant-defendant, the findings recorded by the Courts below stand affirmed and the appeal preferred by the defendants stands dismissed.

9. The principal i.e. Rs.45,000/- awarded by the Courts below already stands paid in terms of the order dated 30.08.2000 passed by this Court. Mr. Batth, counsel for the appellant has raised two submissions with respect to the interest part. He submits that the interest awarded @ 12% is on the higher side and though the suit was instituted in the year 1992, but the same could be registered in the year 1998 as it took 06 years for the Trial Court to decide the application filed by the plaintiff under Order 33 Rule 1 CPC to grant permission to file the suit as an indigent person.

10. So far as the first plea is concerned, this Court finds that the interest has been awarded at an exorbitant rate of 12%. In terms of Section 34 of the Code of Civil Procedure 1908, the same ought to have



been awarded @ 6% per annum. With respect to the second plea raised by Mr. Batth, this Court feel that the same cannot be accepted for the reason admittedly the suit was instituted on 27.07.1992 and thus the date of the filing of the suit for all purposes shall be 22.12.1988 and not 1992 i.e. when it was registered. Resultantly, the second plea raised by Mr. Batth is rejected being without merit. No other point has been argued.

11. Resultantly, the present petition is disposed off. The Decree passed by the Courts below is modified to the aforesaid extent.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

01.10.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No