



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.1898 of 1992 (O&M)

Date of Order:30.01.2025

Parkash Kaur and others

.Appellants

Versus

Pishora Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.R. Bharadwaj, Advocate
for the appellants.

Ms. Shifa Arora, Advocate
for respondent no.7.

ANIL KSHETARPAL, JUDGE (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for recovery of Rs.2,00,000/- as damages on account of death of Sh. Hardev Singh, is assailed in this Regular Second Appeal.

2. The suit was filed while alleging that the defendants caused injuries to Sh. Hardev Singh, resulting in his death. In a criminal case, the defendants were acquitted. It is the case of the plaintiffs that Sh. Jinder Singh informed about the incident to Sh. Jagdip Singh son of Sh. Hardev Singh (deceased), however, neither Sh. Jinder Singh nor Sh. Jagdip Singh deposed in the civil court.

3. The evidence of Smt. Parkash Kaur and her brother-in-law was not found reliable. Even there was discrepancy with regard to the time of occurrence because oral evidence and medical evidence were at variance.

4. The learned counsel representing the appellants contends that

acquittal in a criminal case does not absolve the defendants because the standard of proof required for deciding civil case is preponderance of probabilities, whereas in criminal case it is beyond reasonable doubt.

5. This court has considered the submissions of the learned counsel representing the parties.

6. Upon appreciation of the evidence, both the courts have dismissed the suit.

7. The acquittal in a criminal case is not the only ground to dismiss the plaintiffs' suit. Moreover, the scope of interference in the concurrent findings of fact arrived at by the courts below is extremely limited. There is no explanation that the plaintiffs did not examine Sh. Jinder Singh and Sh. Jagdip Singh.

8. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

9. Dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

January 30, 2025
nt

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No