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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RFA 284/2025**

SH. PRAVEEN KAKKAR

.....Appellant

Through: Mr. M.R. Chanchal and Ms.
Akanksha Negi, Advs.

versus

SH. OMKAR SINGH & ANR.

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **27.03.2025**

CM APPL. 17820/2025 (Exemption)

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of, accordingly.

RFA 284/2025

1. The appeal has been filed assailing the judgment dated 23rd December 2024, passed by the District Judge, East District, Karkardooma Courts, Delhi. The suit was filed for recovery of damages of Rs.3,50,000/- which was dismissed by the impugned judgment, on the basis of the following facts and circumstances.
2. The case of the appellant/plaintiff is that on 05th January 2019, at around 12:30–1:00 PM, while he was returning home, the defendants, along with his relatives and friends, with *dandas* in their hands, allegedly stopped him near his house, and started abusing and hitting him on the chest. Due to which, the plaintiff got scared and became unconscious.



3. There were further allegations that the mother of the plaintiff was assaulted by defendants with slaps and punches on the face, and pulling her hair. Due to the said incident, the condition of the plaintiff, allegedly, became serious, and was admitted to *Sri Ram Hospital* along with his wife and brother, where the doctor disclosed that due to some blunt object hitting the chest of the plaintiff, he suffered from a heart attack and the expenditure of *Rs.2 Lacs* was incurred on treatment and *Rs.50,000/-* on conveyance. Due to the heart attack, he suffered a loss of about *Rs.1 Lac* and, therefore, a compensation of *Rs.3,50,000/-* was claimed.

4. Written statement of defendant was filed where he stated that they were in fact the victims of the quarrel that happened on 05th January 2019, and the plaintiff, his brother, and his son had in fact threatened the defendant with dire consequences, in respect of which they filed a complaint with the *SHO, P.S. Geeta Colony*. The following issues were framed by the Trial Court:

FRAMING OF ISSUES

9. (On the basis of the aforesaid pleadings of the parties, the following issues were framed on 12.12.2019:-

- (i). Whether the plaintiff proves that on 05.01.2019 between 12.30 pm to 1.00 pm, the defendants assaulted him and caused injuries to him? OPP
- (ii). Whether the plaintiff proves that he incurred expenditure of Rs. 2 lacs on his treatment and Rs. 50,000/- on conveyance? OPP.
- (iii). Whether the plaintiff proves that he suffered loss of Rs. 1 lac on account of loss of image, reputation and earnings? OPP
- (iv). Whether the plaintiff is entitled to recovery damages of Rs. 3,50,000/- from the defendants? OPP
- (v). Relief.



5. The Trial Court has analysed the evidence which was before the Court, and reached a conclusion that the plaintiff has not been able to prove the nature of the injuries or the heart attack on the basis of which the compensation has been claimed.

6. The three relevant documents were the Medico-Legal Certificate ('MLC'), the complaint to the police station allegedly filed by the appellant, and the photograph Mark X3.

7. The Court has perused the Trial Court judgment and notes,as under:

- *firstly*, in relation to the MLC Ex.PW-5/A, it basically mentions the complaint of chest pain but also states "*there is no bleeding and no abrasion*" and all parameters of the plaintiff, including blood pressure and pulse rate, were all in the normal range. Further, there is no mentioning of any cardiac issue including a heart attack suffered by the plaintiff in the MLC. Cross-examination of PW-5, *Dr. Gautam Singh*, also notes that the vitals of the plaintiff, as mentioned in the MLC, were within normal range and no serious condition was mentioned. It is matter of fact that the plaintiff has not filed any other document to show that he had suffered a heart attack. On a query by this Court, it is stated by the counsel that no discharge summary of any hospital was also filed.
- *secondly*, the police complaint which the appellant/plaintiff alleges to have filed, lacks any official stamp or any duly entry in the records. On the contrary, the Trial Court has noted that defendant filed counter-claim complaints (Ex.DW-1/A and DW-4/A) regarding the incident, which bears the official stamp of PS Geeta Colony, Delhi.



- *thirdly*, as regards the photographs Mark X3, the trial court observed that the photographs were blurred showing several people scuffling in heated arguments, and it cannot be made out who was being assaulted. The Trial Court noted that the photographs were not accompanied by a certificate under Section 65B of the Indian Evidence Act, 1872, which is a mandatory requirement, and was undated. Plaintiff could not prove that it was related to the said incident.
- 8. Other testimonies of plaintiff's witnesses and defendant's witnesses were also recorded, where both parties essentially reiterated their respective claims in the plaint and written statement.
- 9. Even as regards the expenses incurred, it is noted that the plaintiff has not placed on record any documents to show that he has been administered or medicine has been prescribed to him. The Trial Court also notes that no record pertaining to the hospital and discharge summary has been placed on record.
- 10. In these circumstances, and there being no proof presented by the plaintiff/appellant in support of their claim, this Court is not inclined to interfere with the judgment passed by the Trial Court dismissing the suit of the appellant/plaintiff.
- 11. The appeal is, therefore, dismissed.
- 12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 27, 2025/MK/bp