

2026:PHHC:066181



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

203

RSA-531-1996 (O&M)

Date of decision :29.04.2026

SHIV DEV SINGH (SINCE DECEASED) THROUGH LRS AND ORS

... APPELLANTS

VERSUS

AJAIB SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Alok Mittal, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

1. Present Regular Second Appeal has been preferred by appellants-plaintiffs being aggrieved by the judgment and decree dated 05.12.1995 passed by the learned Additional District Judge, Amritsar, whereby the first appeal filed by the respondents-defendants was allowed, consequently, the judgment and decree dated 13.06.1992 passed by the learned Sub Judge Ist Class, Tarn Taran, which had decreed the plaintiffs' suit for damages to the extent of ₹62,000/-, was set aside.

2. The appellants-plaintiffs instituted a suit for recovery of ₹1,50,000/- as damages arising out of a violent incident dated 23.07.1984. It was pleaded that on the said date, appellant-plaintiff No. 1 Shivdev Singh, along with Gurnam Singh son of Kartar Singh, was present in their agricultural fields at

Village Kotli, Tehsil Tarn Taran at about 7:00 p.m., all the respondents-

defendants arrived there.

3. It was alleged that respondents-defendant Nos. 2, 8, 4 and 5 were armed with kirpans, respondents-defendant Nos. 3 and 6 with spears, respondents-defendant No. 7 with a dang, while respondent-defendant No. 1 was unarmed. Upon reaching the tubewell of appellant-plaintiff No. 1, the respondent-defendant No. 1 allegedly took possession of a .315 bore rifle belonging to appellant-plaintiff No. 1, which was lying there.

4. It was further alleged that respondent-defendant No. 1 Ajaib Singh fired a shot from the said rifle, which struck Gurnam Singh on his right arm. Thereafter, respondent-defendant No. 8 Kuldip Singh inflicted a kirpan blow on appellant-plaintiff No. 1 Shivdev Singh, while respondent-defendant No. 7 Milkha Singh also caused dang injuries on his right arm. Respondents-defendant Nos. 2, 7 and 8 allegedly caused additional injuries to appellant-plaintiff No. 1 with their respective weapons. It was alleged that respondent-defendant No. 5 Partap Singh inflicted spear blows causing injuries to the left nipple and left flank of appellant-plaintiff No. 2, while Major Singh and Nazar Singh also participated in causing injuries. Appellant-plaintiff No. 3 Jaswinder Singh was allegedly given three dang blows by respondent-defendant No. 7 Milkha Singh on his face. After causing injuries, the respondents-defendants allegedly fled from the spot towards Village Kotli along with their respective weapons. The injured-appellants-plaintiffs were taken to Civil Hospital, Tarn Taran for medical treatment.

5. On the statement of appellant-plaintiff No. 1 Shivdev Singh, FIR No. 245 dated 24.07.1984 was registered at Police Station, City Tarn Taran. The motive for the occurrence was stated to be a dispute regarding a drain which

carried rainy water and was subject matter of pending litigation in which appellants-plaintiffs had appeared as witnesses against the village panchayat. It was further pleaded that the respondents-defendants were tried for offences punishable under Sections 307, 326, 325, 324, 323, 379, 148, and 149 of IPC, 1860. Some of the accused respondents-defendants were convicted under offences punishable under Sections 326/325/324 IPC, 1860. However, their conviction was later on set aside in appeal. The appellants-plaintiffs claimed that they suffered serious injuries, underwent prolonged medical treatment, and incurred substantial expenses, resulting in loss and damages. Accordingly, they sought compensation of ₹1,50,000/-.

6. The respondents-defendants had opposed the suit, raising preliminary objections regarding maintainability of the suit and denying the allegations of causing injuries. They admitted the existence of litigation regarding drain water but stated that the earlier suit had been dismissed and their criminal conviction had been set aside in appeal. They prayed for dismissal of the suit.

7. The learned Court of first instance after appreciating the evidence led by the appellants-plaintiffs, who appeared as PW-8, PW-9, and PW-11, as well as the testimony of Dr. R.S. Pannu (PW-7), who medically examined the injured appellants-plaintiffs duly noted following facts:

- (i) Appellant-plaintiff No. 2 Jaswant Singh had sustained 8 injuries;
- (ii) Appellant-Plaintiff No. 1 Shiv Dev Singh had sustained 10 injuries;
- (iii) Appellant-Plaintiff No. 3 Jaswinder Singh had sustained 3

injuries.

- (iv) Injury No. 3 on the person of appellant-plaintiff No. 1 Shivdev Singh and Injury No. 4 on the person of appellant-plaintiff No. 2 Jaswant Singh were grievous in nature.

8. From medical evidence it was held that the incised wounds were caused by a sharp-edged weapon, whereas the penetrating incised stab wounds were consistent with injuries caused by a spear.

9. Relying upon the testimony of Dr. R.S. Pannu (PW-7) along with the statements of PW-8, PW-9, and PW-11, the learned Trial Court concluded that the appellants-plaintiffs had successfully proved that they had sustained injuries at the hands of the respondents-defendants. It was further held that the appellants-plaintiffs had undergone medical treatment and suffered loss on account of pain, suffering and expenditure incurred on treatment.

10. The defence plea of the respondents-defendants that had been acquitted in the criminal proceedings by the learned Additional Sessions Judge, Amritsar, and by the High Court, vide judgment Ex. P-21 and Ex. D-1, was also considered. However, the Trial Court held that findings recorded in criminal proceedings are not binding on civil courts, as the standards of proof in civil and criminal cases are distinct. The Trial Court also relied upon the medical record, treatment records and medical bills to corroborate the appellants-plaintiffs' case regarding injuries and expenditure incurred.

11. Accordingly, the Court concluded that the appellants-plaintiffs were entitled to compensation for the injuries suffered, medical expenses incurred, and pain and suffering endured, and awarded damages as follows:

“In the instant case, Shivdev Singh plaintiff has suffered

permanent disability of his right arm to the extent of 20%, and he has also remained in hospital for more than two months and he had to employ servant for cultivating his land. Keeping in view the age of Shivdev Singh plaintiff and the injuries suffered by him at the hands of the defendants I award the following amounts as compensation to him from the defendants:-

- i) Expenses for medical treatment Rs. 5,000/-*
- ii) Compensation for permanent disability of his right arm and employment of servant for cultivating his land. Rs. 35,000/-*
- iii) General damages for pain and bodily suffering. Rs.10,000/-*

Total: Rs.50,000/-

12. As regards plaintiff Jaswant Singh, he remained admitted in hospital from 23.7.84 to 7.8.84 as per the statement of PW4 Dr. Kamal Kishore Mahajan and he received 8 injuries including 5 incised wounds and two penetrating incised stab wounds on his person. Although the plaintiffs have not produced any documentary evidence about the medical expenses incurred by Jaswant Singh for his injuries, I assess the following compensation for Jaswant Singh: -

- i) Expenses for medical treatment. Rs. 1,000/-*
- ii) General damages for pain and bodily suffering. Rs. 9,000/-*

Total: Rs. .10,000/-

13. As regards plaintiff Jaswinder Singh, the case of the plaintiffs is that his two teeth were broken because of the injuries inflicted by the defendants on his person. PW7 Dr. R.S. Pannu has found

fracture on the upper jaw of Jaswinder Singh plaintiff and lacerated wound on his right side and reddish contusion on his lower lip. The injuries on the person of Jaswinder Singh are not grievous injuries nor he has proved as to how much he spent for his medical treatment. Keeping in view his injuries I assess the amount of compensation for him as under:-

- i) Expenses for medical treatment. Rs. 500/-*
- ii) General damages for pain and Rs.1,500/-
bodily suffering.*

Total: Rs. 2,000/-

14. From what has been discussed above, I hold that all the defendants are jointly and severally liable to pay the amount of compensation of Rs.62,000/-as mentioned above to the plaintiffs. This issue is therefore decided in favour of the plaintiffs.”

12. There are three appellants-plaintiffs, namely Shivdev Singh, Jaswant Singh, and Jaswinder Singh. The learned Trial Court, having appreciated the evidence on record, accordingly decreed the suit in their favour.

13. However, the learned First Appellate Court, placing reliance on the judgment of acquittal recorded by the learned Additional Sessions Judge, Amritsar which was subsequently affirmed by this Court allowed the appeal preferred by the respondents-defendants and consequently dismissed the suit filed by the appellants-plaintiffs.

14. The question in the present appeal, therefore, is whether the learned Court of first instance was justified in appreciating the evidence on record so as to conclude that respondents-defendant Nos. 1 to 8 had caused injuries by assaulting the appellants-plaintiffs, thereby resulting in damages and loss to

them, or whether the judgment of acquittal in favour of the respondents-

defendants was rightly relied upon by First Appellate Court so as to absolve them of civil liability.

15. On consideration, I find that the judgment and decree passed by the learned First Appellate Court cannot be sustained. The findings recorded by a criminal court are not binding upon Civil Courts, as Civil Courts are required to decide the lis on the basis of the standard of proof of “preponderance of probabilities”. In contrast, in criminal cases, the prosecution must establish guilt “beyond reasonable doubt”, and in case of doubt, the benefit necessarily goes to the accused. However, in civil proceedings, the matter is decided on the basis of probabilities emerging from the evidence on record.

16. In the present case, the learned Trial Court has appreciated the evidence led by both parties in detail. Immediately after the occurrence dated 23.07.1984, the injured appellants-plaintiffs were taken to hospital and were medico-legally examined by PW-7, Dr. R.S. Pannu, who found 8 injuries on the person of appellant-plaintiff No. 2 Jaswant Singh, 10 injuries on the person of appellant-plaintiff No. 1 Shivdev Singh, and 3 injuries on the person of appellant-plaintiff No. 3 Jaswinder Singh. It is also an admitted and proved fact that FIR No. 245 dated 24.07.1984 was registered on the basis of the statement of appellant-plaintiff No. 1 Shivdev Singh, i.e., on the very next day of the occurrence. Thus, the testimony of PW-8, PW-9, and PW-11, duly corroborated by the prompt lodging of the FIR and the medical evidence on record, clearly establishes the occurrence of incident dated 23.07.1984 as well as the fact that the appellants-plaintiffs had sustained multiple and grievous injuries as a result of the assault.

17. From the evidence of PW-8, PW-9, and PW-11, which is consistent

and reliable, it is clearly established that the respondents-defendants were armed with the respective weapons as disclosed by the witnesses and had caused injuries to the appellants-plaintiffs. The evidence led by the appellants-plaintiffs, when appreciated on the standard of proof of “preponderance of probabilities” applicable in civil cases, is trustworthy and sufficient.

18. The only conclusion that can be drawn is that on 23.07.1984, the appellants-plaintiffs were assaulted and had sustained multiple injuries, including grievous injuries, caused by the respondents-defendants with sharp-edged and other weapons. The findings recorded by the learned Trial Court are, therefore, based on proper appreciation of evidence led by both parties and deserve to be affirmed.

19. The learned First Appellate Court, however, ignored the aforesaid findings solely on the ground that the respondents-defendants had been acquitted in appeal by the criminal Court, and that such acquittal was affirmed by this Court. Such acquittal, however, only absolves the respondents-defendants of criminal liability. The standard of proof in a criminal case is proof “beyond reasonable doubt”, and in case of doubt, the benefit necessarily goes to the accused.

20. The standard applicable in criminal proceedings cannot be imported into civil proceedings. Civil liability must be determined independently on the basis of preponderance of probabilities. Mere acquittal by a criminal court cannot justify denial of damages for acts of assault resulting in injuries to the appellants-plaintiffs.

21. The learned First Appellate Court failed to properly appreciate the evidence led by the appellants-plaintiffs and had erroneously set aside a well-

reasoned judgment of the Trial Court without adequate discussion or application of mind to the evidence on record.

22. Accordingly, the judgment and decree passed by the learned First Appellate Court cannot be sustained and is hereby set aside. The appeal is allowed. The judgment and decree passed by the First Appellate Court is set aside, and the judgment and decree of the learned Trial Court is restored.

23. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

29.04.2026
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(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No