



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

(218)

Date of Decision :- 13.01.2026

1. RSA No. 1152 of 2000 (O&M)

Balbir Kaur and Another

...Appellants

Versus

Jarnail Singh and Others

...Respondents

AND

2. RSA No. 2679 of 2000 (O&M)

Jarnail Singh

...Appellant

Versus

Balbir Kaur and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Ms. Harita Dhanda, Advocate and
Mr. Mayank Vashisht, Advocate
for Mr. Prateek Mahajan, Advocate for the appellants
in RSA-1152-2000 and for the respondents in RSA-2679-2000

Mr. Lokesh Garg, Advocate with
Mr. Khushagra Mahajan, Advocate for the respondents
in RSA-1152-2000 and for the appellant in RSA-2679-2000.

VIRINDER AGGARWAL, J.(Oral)

1. The present Regular Second Appeal No.1152 of 2000 has been preferred by the plaintiffs-appellants challenging the judgment and decree dated 16.12.1999 passed by the learned District Judge, Amritsar, whereby the appeal filed by defendant No.1 was partly allowed and the compensation awarded by the learned Trial Court vide judgment and decree dated 18.07.1998, was



reduced from ₹1,92,000/- to ₹84,000/-, while dismissing the cross-objections of the plaintiffs.

2. The connected Regular Second Appeal No.2679 of 2000 has been filed by defendant No.1-Jarnail Singh assailing even the modified decree passed by the First Appellate Court. Since both appeals arise out of the same suit and common judgment, they are being decided together by this common judgment. For the sake of brevity, the facts are being taken from the record of RSA-1152-2000.

BACKGROUND FACTS

3. The plaintiffs Balbir Kaur and Mohan Singh are the parents of deceased Ranbir Singh, aged about 21 years. It was pleaded that on 30.08.1990, Ranbir Singh was forcibly taken inside the house of respondent no.1/defendant No.1 Jarnail Singh with the aid of defendants No.2 and 3, on the allegation that he had illicit relations with the daughter of defendant No.1. On the following day, Ranbir Singh was found lying dead in the house of defendant No.1 with multiple injuries. FIR was registered and the accused were prosecuted. The plaintiffs instituted a civil suit seeking recovery of ₹2,00,000/- as compensation for the wrongful death of their son, asserting that the deceased was healthy, educated, running a poultry business and contributing to the family. The defendants contested the suit and denied the allegations, pleaded false implication and disputed the dependency and income of the deceased.

4. Upon a meticulous examination of the pleadings and the competing claims of the parties, the learned Trial Court proceeded to frame the following issues for determination, with a view to securing a precise, coherent, and legally structured adjudication of the controversies arising in the matter:-

1. *Whether the defendants committed murder of Ranbir Singh? OPP*



2. *Whether the Ranbir Singh have entitled to claim documentary, if so, to what extent ? OPP.*
3. *Whether the plaintiffs were defaultes by the Ranbir Singh ? if so its effects? OPA.*
4. *Relief*
5. Both parties were afforded full and adequate opportunity to adduce evidence in substantiation of their respective claims and defences. Upon the culmination of the evidentiary proceedings, and after hearing learned counsel for the parties at length, The learned Civil Judge (Junior Division), Amritsar, vide judgment dated 18.07.1998, held that the death of Ranbir Singh occurred in the house of respondent No.1/defendant No.1, who failed to explain the circumstances and was therefore liable in civil law for causing the death. Defendants No.2 and 3 were exonerated. The learned Trial Court assessed the dependency and awarded compensation of ₹1,92,000/- along with proportionate costs.
6. Aggrieved by the judgment and decree so rendered by the learned Trial Court, the respondent No.1/defendant No.1 preferred an appeal before the District Judge, Amritsar. The plaintiffs also filed cross-objections seeking enhancement and fastening liability on other defendants. The learned First Appellate Court partly allowed the appeal of respondent No.1/defendant No.1 and reduced the compensation to ₹84,000/-, while dismissing the cross-objections of the present appellants/plaintiffs. Dissatisfied, the present appellants/plaintiffs have filed the present RSA No.1152 of 2000 seeking restoration of the Learned Trial Court decree, whereas respondent No.1/defendant No.1 has filed RSA No.2679 of 2000 challenging even the modified decree.



CONTENTIONS

7. Learned counsel for the appellants/plaintiffs contends that the First Appellate Court erred in arbitrarily reducing the compensation from ₹1,92,000/- to ₹84,000/-without assigning cogent reasons and without properly appreciating the evidence led before the learned Trial Court. It is argued that the learned Trial Court correctly assessed the age of the deceased, his earning capacity and dependency of the parents and applied a reasonable multiplier. It is further argued that the findings recorded by the learned Trial Court on liability were based on independent appreciation of evidence and were not dependent upon the outcome of the criminal proceedings. The reduction of compensation by the learned First Appellate Court is contrary to settled principles governing assessment of compensation in cases of wrongful death. It is further submitted that the findings recorded by the learned Trial Court regarding the liability of defendant No.1 are well supported by evidence, particularly the fact that the deceased was found dead inside his house and the defendant failed to furnish any plausible explanation. Accordingly, prayer is made for restoration of the decree passed by the learned Trial Court along with consequential benefits.

8. Per contra, learned counsel for respondent No.1/defendant No.1/cross-appellant contends that the learned Trial Court erred in fastening civil liability upon respondent No.1/defendant No.1 despite his acquittal in the criminal proceedings and the finding that, at the highest, the act fell within the domain of private defence. It is submitted that the deceased was allegedly of doubtful character, was not gainfully employed and had no independent income, and therefore the plaintiffs were not financially dependent upon him. It is further contended that the plaintiffs themselves were well-settled, being salaried employees and owners of agricultural land, and consequently no real loss of



dependency was established. The learned Trial Court is stated to have wrongly applied an excessive multiplier and inflated the income without reliable proof. It is argued that even the reduced compensation granted by the First Appellate Court is unjustified and that the suit ought to have been dismissed in its entirety.

OBSERVATIONS AND FINDINGS

9. I have heard learned counsel for the appellants and respondent/cross-appellant with due thoroughness and have undertaken a meticulous and comprehensive examination of the entire record.

10. As regards the scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of Punjab Courts Act, 1918 and not under Section 100 of CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of '*Pankajakshi (Dead) through LRs and others V/s Chandrika and others*', (2016)6 SCC 157, followed by the judgments in the case of '*Kirodi (since deceased) through his LR V/s Ram Parkash and others*' (2019) 11 SCC 317 and '*Satender and others V/s Saroj and others*', 2022(12) Scale 92. Relying upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

11. At the threshold, it deserves reiteration that findings recorded by a criminal court do not operate as res judicata in civil proceedings and the standard of proof in a civil case is governed by the doctrine of preponderance of probabilities, as distinguished from the rigorous standard of proof beyond reasonable doubt applicable in criminal trials. The civil courts are required to independently evaluate evidence irrespective of the outcome of criminal proceedings. In the present case, the learned Trial Court, upon a detailed and careful appreciation of the ocular testimony of PW1 to PW5 and the medical evidence (Ex.P1 and Ex.P1/A), returned a categorical finding

that the deceased was forcibly taken into the house of defendant No.1 and was found



dead therein on the following day with multiple ante-mortem injuries.. The plea of the respondent No.1/Defendant No.1, based upon criminal acquittal or alleged exercise of private defence does not ipso facto extinguish civil liability, especially when the death having occurred within the exclusive domain and control of defendant No.1, and in the absence of any plausible or satisfactory explanation from him as required under Section 106 of Indian Evidence Act,1872, an adverse inference was rightly drawn. Thus, the finding of civil liability recorded by the learned Trial Court is firmly grounded in evidence, logic and settled principles of law.

12. A closer scrutiny of the impugned judgment reveals that the learned First Appellate Court has reduced the compensation primarily by adopting a substantially lower notional income, wrong deduction and by applying a reduced multiplier on the basis of certain precedents wherein comparatively lower multipliers were applied. Such an approach reflects a rigid and mechanical application of isolated judicial trends prevalent at that time, when the multiplier was often correlated with the age of the dependants rather than the age of the deceased. However, the jurisprudence governing computation of compensation has since attained clarity and consistency by authoritative pronouncements of the Hon'ble Supreme Court, which have firmly settled that the multiplier is to be determined primarily with reference to the age of the deceased so as to ensure uniformity, certainty and fairness in award of compensation. Tested on this settled legal position, the multiplier of 16 adopted by the learned Trial Court, having regard to the youthful age of the deceased being about 21 years, cannot be said to be excessive, arbitrary or legally infirm. The First Appellate Court, therefore, fell in error in dislodging the well-reasoned determination of multiplier of 14 merely by relying upon selective



precedents without harmonizing them with the evolving and now crystallized legal principles.

13. Likewise, the downward revision of income and the consequential reduction of compensation by the learned First Appellate Court do not withstand judicial scrutiny. Even on a conservative assessment, the minimum wages of an unskilled worker prevailing at the relevant time were approximately ₹1,500/- per month, and therefore the income after applying lawful deduction arrived at ₹1,000/- as the monthly dependency adopted by the learned Trial Court was fully justified and consistent with economic realities. On the contrary, the adoption of ₹1,000/- as income and further reduction to ₹500/- as done by the First Appellate Court is clearly on the lower side and results in unjust undervaluation of the pecuniary loss suffered by the bereaved parents. Therefore, this Court finds that compensation must be determined on settled and rational principles, the methodology adopted by the learned Trial Court deserves affirmation. In contrast, the approach adopted by the First Appellate Court suffers from manifest legal error and erroneous exercise of appellate discretion, warranting interference by this Court and restoration of the well-reasoned decree passed by the learned Trial Court.

14. In view of the foregoing discussion, this Court is of the considered opinion that the findings recorded by the learned Trial Court are based upon correct appreciation of evidence and settled principles of law, whereas the interference made by the First Appellate Court suffers from material irregularity and erroneous exercise of appellate jurisdiction. No substantial question of law arises in favour of the cross-appellant so as to warrant interference.

Consequently, the judgment and decree dated 16.12.1999 passed by the learned District Judge, Amritsar are hereby set aside and the judgment and decree dated



RSA No. 1152 of 2000 (O&M) and
RSA No. 2679 of 2000 (O&M)

18.07.1998 passed by the learned Civil Judge (Junior Division), Amritsar are restored.

15. Resultantly, **RSA No.1152 of 2000** is **allowed** and the appellants-plaintiffs shall be entitled to recover a sum of ₹1,92,000/- along with interest at rate of 6% per annum from the date of decree till realization. The cross appeal bearing **RSA No.2679 of 2000** stands **dismissed**. Decree be drawn accordingly.

16. Since the main appeals stand decided, the miscellaneous application(s), if any, stand disposed of accordingly.

17. A photocopy of this judgment be placed on the file of the connected case.

13.01.2026
Saurav Pathania

(**VIRINDER AGGARWAL**)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No