

2026:PHHC:065271



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

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RSA-1104-2026 (O&M)

Date of decision:28.04.2026

HARJIT SINGH ALIAS BITTI @ HARJEET SINGH AND OTHERS

...APPELLANTS

VERSUS

GURPREET SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for appellants.

PARMOD GOYAL, J. (ORAL)

Present regular second appeal has been preferred by appellants-defendants being aggrieved by judgment and decree dated 16.04.2022 passed by learned Civil Judge (Junior Division), Phul, whereby suit preferred by respondent-plaintiff for damages/compensation of Rs.10,00,000/- was decreed to the extent of Rs.7,00,000/- along with interest @ 6% per annum from the date of discharge from the hospital till date of actual realization and by judgment and decree dated 11.12.2025 passed by learned Additional District Judge, Bathinda, whereby first appeal preferred by appellants-defendants was also dismissed.

2. The simple case of appellants-defendants is that on 16.10.2013, the respondent-plaintiff was allegedly assaulted by appellants-defendants and was given multiple injuries. In pursuance of said occurrence, an FIR No. 74 dated 17.10.2013 under Sections 307, 342, 148, 149 of Indian Penal Code, 1860 ('IPC') was registered against appellants-defendants at Police Station Phul. Appellants-defendants vide judgment and order dated

24.02.2015 were convicted and sentenced. It was the case of respondent-plaintiff that he remained hospitalised from 16.10.2013 till 01.11.2013 on account of injuries suffered by him and had spent an amount of Rs.3,84,186/- on his treatment which included operation fees, hospital charges and other treatment charges. It was asserted that on account of injuries, respondent-plaintiff had suffered loss of income as he remained out of work for a substantial period of time and accordingly had sought Rs.10,00,000/- as compensation.

3. Appellants-defendants had contested the suit by filing written statement and had asserted that suit is not maintainable. On merits, the allegations made by respondent-plaintiff were denied. It was asserted that appellants-defendants had never inflicted any injuries on respondent-plaintiff on 16.10.2013 and claimed that false FIR No.74 dated 17.10.2013 was got lodged against them and accordingly dismissal of suit was prayed for.

4. Both the learned Courts below, after considering evidence led by respondent-plaintiff i.e. statement of respondent-plaintiff and documents placed in evidence in the shape of FIR, conviction order as well as medical bills Ex.P2 to Ex.P8, Ex.P10, Ex.91 to Ex.96 and Ex.P99, final bill (Ex.PX) concluded that respondent-plaintiff had suffered injuries at the hands of appellants-defendants and due to said injuries, respondent-plaintiff had remained admitted in the hospital for a substantial time and had incurred an amount of Rs.3,84,186/- on his treatment. Accordingly, total compensation of Rs.7,00,000/- was awarded by the learned Court of First Instance to the respondent-plaintiff after taking into consideration amount spent by him on medical treatment and same was affirmed by learned First Appellate Court.

5. In present case, respondent-plaintiff had succeeded in proving incident occurred on 16.10.2013, wherein he had suffered injuries and also lodging of FIR as well as conviction and sentence of appellants-defendants in said criminal case. Respondent-plaintiff had also succeeded in proving that he had spent amount of Rs.3,84,186/- on his medical treatment. The evidence led by respondent-plaintiff has not been rebutted by appellants-defendants by leading any cogent evidence except for oral denials.

6. In view of reliable and trustworthy evidence of respondent-plaintiff, both the learned Courts below have accepted the same and have concluded that it was appellants-defendants who had caused injuries to the respondent-plaintiff and accordingly held respondent-plaintiff entitled to compensation for injuries caused to him by appellants-defendants.

7. On consideration and re-appreciation of evidence, I do not find any error in the approach of learned Courts below, which have rightly appreciated the evidence. The incident was duly reported to police on the next date of occurrence. Police had duly registered the FIR bearing No.74 dated 17.10.2013, investigations were conducted, final report under Section 173(2) Cr.P.C. was filed against the appellants-defendants. Appellants-defendants had duly faced trial and learned trial Court, after appreciating the evidence led by the parties, had concluded that it were appellants-defendants who had caused injuries to respondent-plaintiff and convicted and sentenced them for causing injuries to respondent-plaintiff on 16.10.2013. There is no rebuttal to the material placed on record by way of evidence by respondent-plaintiff. The finding of fact recorded by both the Courts below is upheld as same is based upon correct appreciation of evidence.

8. Faced with above, conclusions of learned Courts below learned counsel for appellants-defendants has argued that compensation awarded to respondent-plaintiff is on higher side and therefore it needs to be reduced. Both the learned Courts below have duly considered aspect of quantum of compensation in totality and found out that respondent-plaintiff had spent Rs.3,84,186/- on his medical treatment for the injuries suffered by him in assault dated 16.10.2013. Both the Courts below have rightly considered and had rightly rejected the objection raised by appellants-defendants that bills were computerized bills and not signed by respondent-plaintiff. It is pertinent to note that respondent-plaintiff had duly examined Kulwinder Singh, Clerk, Billing Department DMC Hospital, Ludhiana as PW4, who had duly proved treatment bills as Ex.P2 to Ex.P8, Ex.P10, Ex.91 to Ex.96 and Ex.P99, final bill (Ex.PX). There is no rebuttal to the evidence led by respondent-plaintiff through PW4. When the official from concerned Hospital where respondent-plaintiff had received treatment, has proved the bills, the onus to rebut testimony of PW4 and exhibits placed on record had shifted to appellants-defendants, who had not led any evidence to show that either bills are exorbitant or forged and fabricated. No such evidence was led and therefore both the learned Courts have rightly accepted the bills. The total compensation in present case has been granted as Rs.7,00,000/-. Respondent-plaintiff had remained admitted for more than 15 days and had suffered multiple injuries including injury which could have taken his life and therefore, appellants-defendants were prosecuted under Section 307 IPC also. If the nature of injury, period of hospitalization and expenses incurred by respondent-plaintiff taken into consideration, the amount of Rs.7,00,000/-

awarded by learned Courts below cannot be held to be excessive by any standard. Respondent-plaintiff must have also suffered loss of earning on account of injuries/treatment for some time and must have undergone immense pain and sufferings. Therefore the compensation awarded by learned Courts vide impugned judgments and decrees is totally justified and cannot be interfered.

9. In view of above discussion, present appeal is dismissed being without any merit.

10. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

28.04.2026
Sunil Chander

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