

2026:PHHC:013411



-1-

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

RSA-3628-2000

Date of Decision: 29.01.2026

PRITPAL SINGH

....Appellant

Versus

DHARAM SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. A.P.S. Deol, Advocate
for appellant.

None for respondents.

Parmod Goyal, J. (Oral)

Appellant/plaintiff is aggrieved by reversal of judgment by learned Appellate Court vide impugned judgment and decree dated 10.03.2000 vide which appeal preferred by respondents/defendants was accepted and suit for recovery of Rs.2,00,000/- along with interest as damages on account of injuries caused by respondents/defendants to appellant/plaintiff which was decreed by Court of first instance vide judgment and decree dated 27.11.1997, passed by learned Civil Judge (Senior Division), Sangrur was set aside.

2. The simple case of appellant/plaintiff was that on 25.05.1994 when appellant/plaintiff along with his father was going to the house of Gurmail Kaur. When they reached near the house of Gurbax Singh at about 7 AM, respondents/defendants met them and blocked their way. Respondents/defendants gave *gandasa* blow to appellant/plaintiff resulting into multiple injuries and permanent disability on account of injuries caused

by respondents/defendants. It was the case of appellant/plaintiff that FIR No.68 dated 27.05.1994 under Sections 324, 326 and 323 IPC read with Section 34 IPC was registered.

3. Learned Court of first instance by referring to evidence of Dr. Mann Singh Bhatia PW7 without making any discussion as regards to other witnesses accepted the evidence of PW7 and concluded that respondents/defendants are liable to pay compensation of Rs.30,000/- for causing injuries to appellant/plaintiff. In appeal learned First Appellate Court vide impugned judgment and decree dated 10.03.1998 concluded that Court of first instance has erred by not taking into consideration evidence and without discussing the same came to the conclusion that injuries were caused by respondents/defendants and on account of said injuries appellant/plaintiff had suffered permanent disability. Learned First Appellate Court duly discussed evidence of witnesses and had concluded that appellant/plaintiff has failed to prove occurrence as well as fact that it was on account of injuries suffered in occurrence, he had suffered permanent disability. In view of varying opinion of doctors, as one of the doctor has stated that injury to eye could be a childhood injury, whereas PW5 Dr. Om Parkash had opined that injury was possible due to fall from a moving tractor. The conclusion drawn by learned Appellate Court is being reproduced for ready reference :-

10. The learned trial Court, while disposing issue No.1 has observed as under :-

“The comparative assessment of the evidence advanced from both the sides, the evidence of the plaintiff is weighty in quality and quantity. So, the defendants are proved to have caused injuries to the plaintiff including 30% damage of the left eye of the plaintiff which is supported by numerous

medical report. So, this issue is decided in favour of the plaintiff.”

11. The perusal of the judgment shows that the learned trial Court did not discuss any evidence of the parties. The learned trial Court has referred only to the statement of Dr. Mann Singh Bhatia, who submitted his report Ex.PW7/A according to whom the visible disability was 30%. The learned trial Court did not discuss any evidence regarding the incident. The evidence has been appreciated by the learned trial Court as if the same was to be adjudged in a scale. Neither it has been shown as to how the evidence of the plaintiff was better in quality and quantity. Because the learned trial Court did not discuss the evidence at all the reference to the evidence produced by the parties becomes significant.
12. To prove its case, the plaintiff has examined himself as PW1. He has stated that on 25.5.94 he along with his father and two sisters Jaspal Kaur and Sukhpal Kaur were going to the house of Gurmail Kaur when the alleged incident took place. According to him the injuries were inflicted by the accused on him and he was saved by his sisters. According to PW2 Sukhpal Kaur she could not tell as to how many injuries were inflicted by the defendants on them means that Sukhpal Kaur wanted to say that injuries were inflicted by the defendants on the other persons accompanying the plaintiff also. The incident is alleged to have taken place on 25.5.94 and it has been stated by Sukhpal Kaur that on the same day in the evening the police has come to the village. She has told the whole incident to the police but even then the FIR in the present case was registered on 27.5.94 in the evening. There is a delay of 52 hours in lodging the FIR. When the plaintiff was accompanied by his father and two sisters, it was not necessary that the case should have been registered only on the statement of the plaintiff. It is in the evidence that the police station is quite near to the Hospital and apart from the fact that the case could be registered when the police had come in the village on the same evening. It could have been registered on the statement of any of the sisters or the father of the plaintiff. The delay of 52 hours is fatal to the prosecution case and it has been held by the criminal Court also where the defendants were acquitted by the Chief Judicial

Magistrate, Sangrur on 17.11.99, as is clear from the certified copy of the order produced during the course of arguments.

13. PW3 Dr. Om Parkash has stated that he had examined Pritpal Singh at about 7.45 a.m. on 25.5.94. The occurrence is alleged to have taken place at 7.00 a.m. Some time might have been consumed on the spot for carrying the injured to the Hospital and arranging the conveyance. It is highly improbable that Pritpal Singh should have reached the Hospital at about 7.45 pm after receiving the injuries. He has proved a copy of M.L.R. The copy of M.L.R mark A has not been proved on record. Even if this MLR is taken into consideration, it shows that Pritpal Singh plaintiff was not unconscious at that time. It has been mentioned that he was cooperative and he has also signed the M.L.R. under certificate given by the Doctor. The original MLR has not been proved on record. Although the Judgment of criminal Court is not binding on the Civil Judge yet the evidence has been discussed on this point by the Criminal Court is that ASI Kulwant Singh has visited the Hospital on the same day at 10.00 a.m. and further Pritpal Singh was declared unfit till 25.5.94 at 10.00 a.m. and on the statement of Pritpal Singh the case was registered against the defendants. It has been observed that at the time of admission of Pritpal Singh he was conscious and cooperative even by the Criminal Court. It shows that evidence with regard to the unfitness of Pritpal Singh the Opinion of the Doctor was obtained and procured in order to gain time for lodging the F.I.R. The reasons obvious as the eye Specialist Dr. Mann Singh Bhatia, PW7 has stated that the possibility of the eye injury having been received by Pritpal Singh in the childhood cannot be ruled out. He has further stated that the damage to the eye could be possible if a finger stick or toe of it strikes against the eye ball. The learned trial Court has referred to the statement of Dr. Mann Singh Bhatia PW 7 only and no other evidence. Even Dr. Man Singh Bhatia, could not prove that the damage to the eye was on account of the alleged incident. In this connection even the plaintiff is not sure that as to what injury he had received at the hands of the defendants as he stated that he did not know that because of the injury to his eye the eye ball had been extricted. The case of the defendants is that the plaintiff had received the injuries to his eye by a fall from his Tractor and it has been

verified by Dr. Om Parkash PW3 who is has stated that weapon of offence was not shown to him and that the injury was possible due to a fall on the ground such as from a moving Tractor.

14. At the time when the case was decided, the defendants were facing trial for the alleged incident but now the defendants have been acquitted on 17.11.99. As already observed, a copy of said order has been shown to me at the time of arguments and the facts has not been controverted by the respondents. Therefore, the trial Court has wrongly decided issue No.1 in favour of the plaintiff and the findings, therefore, are reversed and it is held that plaintiff has failed to prove issue No.1.”

4. The judgment given by learned Appellate Court is a reasoned one. On appreciation of evidence of witnesses it is clearly made out that there is an unexplained delay of 52 hours in lodging the FIR. It is also clearly made out that even in trial arising out of FIR No.68, respondents/defendants were acquitted. Learned Appellate Court has rightly taken into consideration the opinion given by PW5 Dr. Om Parkash and PW7 Dr. Mann Singh Bhatia, that it is possible that injury might be a childhood injury or might have been caused on account of fall from a moving tractor to conclude failure on the part of plaintiff/appellant that eye injury was due to assault alone. The conclusion drawn by learned Appellate Court is totally based upon evidence on record. No interference is warranted. No question of fact or law arises. Present appeal is dismissed.

5. Pending application(s), if any, is/are disposed of accordingly.

29.01.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No