

2026:PHHC:068976



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

RSA-1495-2026 (O&M)

Judgment reserved on :20.04.2026

Judgment pronounced on 05.05.2026

PARAMJIT SINGH

... APPELLANT

VERSUS

BALJIT KAUR AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajinder Sharma, Advocate and
Mr. Deepak Sharma, Advocate
for the appellant.

PARMOD GOYAL, J.

1. The present regular second appeal has been preferred by the appellant–Defendant No. 1, being aggrieved by the judgment and decree dated 16.11.2019 passed by the learned Additional Civil Judge (Senior Division), Amritsar, whereby suit for recovery for damages/compensation on account of murder of Sandeep Singh (hereinafter called as ‘deceased’), who was allegedly killed by the appellant–defendant No. 1 was decreed and by the judgment and decree dated 17.10.2026 passed by the Additional District Judge, Amritsar whereby appeal filed by appellant-defendant No. 1 against judgment and decree dated 16.11.2019 was dismissed.
2. The respondents–plaintiffs, in their suit for recovery alleged that the deceased Sandeep Singh was the first cousin of appellant-defendant-Paramjit Singh, and that a dispute existed between them over partition of a piece of land.

MANOJ KUMAR
2026.05.05 17:04
I attest to the accuracy and
integrity of this document

It was averred that on 17.04.2012 at about 11:00 a.m., a meeting was being held

to resolve the said dispute. During the course of the meeting, Defendant No. 2 allegedly became enraged and exhorted Defendant No. 1 to kill Sandeep Singh, upon which Defendant No. 1 inflicted blow with a poker (sua) on the left side of the chest of deceased. As a result of the said injury, Sandeep Singh succumbed to his injuries. It was further stated that FIR No. 52 dated 19.04.2012 was initially registered under Sections 324/34 IPC and subsequently, Section 302 IPC was added after the death of Sandeep Singh. The respondents-plaintiffs, being the wife and minor children of the deceased had sought compensation for wrongful act of murder by defendants. Respondents-plaintiffs had also asserted that the deceased was an income tax assessee and was earning a handsome income from business of agriculture, dairy farming, and property. It was further averred that he purchased a car and had availed a loan of ₹1,55,393/- from HDFC Bank for the said purpose. Additionally, he had taken a loan of ₹4,55,000/- from Muthoot Finance against security of his gold for the construction of house, and another loan from Oriental Bank of Commerce. It was also claimed that both sons of the deceased were studying in reputed private schools in Amritsar, with approximately ₹15,000/- per month being spent on their education. According to the plaintiffs, the deceased maintained a good standard of living, and thus, compensation of ₹23,00,000/- was claimed for the loss of his life at the hands of Defendant Nos. 1 and 2.

3. The defendants, in their written statement, denied the case of the plaintiffs in toto, asserting that a false FIR had been lodged against them. It was contended that they had no role in the death of Sandeep Singh. It was further claimed that the deceased was not earning any substantial income and was, in fact, sustaining himself through loans obtained from various institutions. On

these grounds, dismissal of the suit was sought.

4. Both the learned Courts below, upon due appreciation of the evidence on record, have concurrently held that it was appellant-defendant No. alone who had caused the death of Sandeep Singh. This finding was returned after considering the evidence led by the respondents-plaintiffs as well as the fact that the defendant-appellant was convicted in the criminal trial for the murder of Sandeep deceased.

5. Upon consideration of the evidence regarding the income of the deceased, the Courts below awarded compensation of ₹23,00,000/- against appellant-Defendant No. 1. Defendant No. 2, however, was held not liable to pay any compensation.

6. Learned counsel for the appellant-defendant No. 1 has contended that deceased was not murdered by the appellant-defendant No. 1 and that he died as a result of injuries sustained by him on his own. It is argued that a false FIR was registered against appellant-defendant No. 1, leading to his wrongful conviction. That appeal against the said conviction order is presently pending before the Hon'ble High Court. It is further contended that the findings of criminal court are not binding on civil courts, and therefore, it was incumbent upon the respondents-plaintiffs to independently prove that deceased was murdered by the appellant-defendant No. 1. According to the appellant-defendant No. 1, no cogent material was placed on record to establish that the deceased was killed by him. Learned counsel has also assailed the quantum of compensation, submitting that there was no reasonable basis for awarding ₹23,00,000/-, particularly in light of the respondents-plaintiffs' own admissions that the deceased had availed multiple loans. On these grounds, it has been

prayed that the judgments and decrees passed by both the learned Courts below be set aside.

7. The principle of law that the findings of a criminal court are not binding upon civil courts is well settled. A civil court is required to record its own findings on the basis of the evidence led before it. However, it must be borne in mind that the standard of proof in civil proceedings is different from that in criminal proceedings. In civil cases, the matter is to be decided on the basis of preponderance of probabilities, whereas in criminal proceedings, the charge must be proved beyond reasonable doubt and in case of any doubt the benefit of doubt must go to the accused.

8. Thus, the standard of proof in these two types of proceedings are fundamentally different. In this backdrop, it is to be examined whether the concurrent findings recorded by the learned Courts below that it was the appellant-defendant No. 1 who caused the death of deceased are borne out from the evidence on record.

9. In the present case, the respondents-plaintiffs duly examined PW-3 Charanjit Singh to prove the murder of the deceased. PW-3 categorically deposed that it was the appellant-defendant No. 1 who inflicted a blow with a poker (sua) on the chest of deceased, which resulted in injuries that ultimately proved fatal. PW-3 further stated that it was on the basis of his statement that FIR No. 52 dated 19.04.2012 under Sections 323/34 IPC was registered at Police Station Ajnala, at a time when Sandeep Singh was still alive and undergoing treatment in the hospital. Subsequently, upon his death, Section 302 IPC was added.

10. Both the learned Courts below have duly appreciated the

examination-in-chief as well as the cross-examination of PW-3 and have concluded that his testimony is reliable and sufficient to establish that it was the appellant–defendant No. 1 who caused injuries to the deceased. Upon reappreciation of the evidence, this Court also finds that the Courts below have correctly assessed the testimony of PW-3 with regard to the occurrence of the incident dated 17.04.2012, which resulted in fatal injuries to deceased at the hands of the appellant–defendant No. 1. When tested upon the touchstone of preponderance of probabilities, the testimony of PW-3 clearly supports the conclusion drawn by the Courts below. Being the author of the FIR evidence of PW-3 stands corroborated by the prompt lodging of the FIR, which duly describes the manner of occurrence of the incident. It also finds further corroboration from the conviction recorded by the criminal court after full appreciation of evidence under the stricter standard of proof, proof beyond reasonable doubt.

11. In view of the above, the findings recorded by both the learned Courts below cannot be faulted with. Accordingly, the conclusion that it was the appellant–defendant who caused the death of deceased (husband and father of the respondents-plaintiffs) is affirmed and upheld.

12. Learned counsel for the appellant–defendant No. 1 has also raised a serious objection regarding the manner in which compensation has been quantified by both the Courts below. It is being stated to be excessive. In the present case, respondents-plaintiffs have duly established that the deceased was maintaining a good lifestyle by leading positive evidence in that regard. Upon reappreciation of the material on record, this Court is of the opinion that the compensation awarded to the respondents-plaintiffs cannot be held to be

excessive in the facts and circumstances of the present case. All the relevant aspects

13. 3 have been duly considered by the learned First Appellate Court.

14. Admittedly, the deceased was 36 years of age at the time of his death and was an income tax assessee. The income tax return for the assessment year 2009–10 (Ex. P-4) and income tax return for 2010-11 (Ex. P-5), reflecting annual income of ₹2,43,870/-, was duly proved on record. The Appellate Court assessed future prospects at 40%, deducted 1/3rd towards personal expenses, and applied a multiplier of 15. On this basis, the loss of dependency was assessed at ₹33,00,000/-. However, the said amount was not awarded, as the respondents-plaintiffs had restricted their claim to ₹23,00,000/-, and accordingly, the award of ₹23,00,000/- was upheld.

15. This Court finds no error in the approach adopted by the learned First Appellate Court. Once the respondents-plaintiffs successfully proved the income of the deceased as ₹2,43,870/- per annum on the basis of duly exhibited income tax returns (Ex. P-4 and Ex. P-5), which is further corroborated by school fee receipts, loans taken and transaction shown in bank accounts Ex. P-6. In absence of any effective rebuttal to the same, the income assessed by the Courts below for computing compensation cannot be said to be excessive.

16. Even otherwise, if the average life expectancy of a male in India is taken to be 70–72 years, and the deceased was 36 years old at the time of his death, it is evident that he would have lived for a considerable longer period to support his family, contributing substantially more than the amount awarded by the Courts below.

17. In view of the facts and circumstances of the case and the evidence

on record, it is held that the compensation awarded is neither excessive nor unjustified. The judgments and decrees passed by both the Courts below are well-reasoned and based on proper appreciation of evidence and are accordingly upheld. The present appeal being devoid of merit is hereby dismissed.

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

05.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No