

2026:PHHC:026051



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

RSA-392-2025 (O&M)
Date of Decision: 19.02.2026

BALDEV SINGH AND ANR

....Appellants

Versus

JATINDER KUMAR AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

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

Parmod Goyal, J. (Oral)

CM-1217-C-2025

The present application has been filed for condonation of delay
of 48 days in refiling the appeal.

In view of the averments made in the application, the same is
allowed.

Main Case

Appellants/defendants are aggrieved by impugned judgment
and decree dated 09.08.2017, passed by learned Additional Civil Judge
(Senior Division), Phul as well as judgment and decree dated 10.09.2024,
passed by learned Additional District and Sessions Judge, Bathinda,
whereby suit for damages preferred by respondents/plaintiffs was decreed
and appeal preferred by appellants/defendants was dismissed with reduction
in compensation amount.

2. In suit for damages preferred by respondents/plaintiffs, cross-objections were also preferred by appellants/defendants which were also dismissed. Accordingly, two appeals were filed and both of them were dismissed vide impugned judgment and decree dated 10.09.2024.

3. Respondent/plaintiff Jatinder Kumar in suit for damages had pleaded that he is running a mobile shop under the name and style of M/s Shree Ganesh Telecom, near bus stand, Rampura. His brother Bal Krishan is also running a mobile shop under the name and style of Bala Ji Telecom, near bus stand, Rampura. That on 08.12.2010 at about 8:00 AM respondent/plaintiff Jatinder Kumar and his brother reached in front of Barnala Medical Store when appellants/defendants Baldev Singh armed with iron rod, Inder Singh with rod, Raj Kumar with handle of hand pump and Jasvir Singh with iron rod stopped the motorcycle of respondent/plaintiff- Jatinder Kumar pulled them down and caused injuries to them with their respective weapons. Thereafter, they all had ran away and respondent/plaintiff-Jatinder Kumar was admitted in Civil Hospital, Rampura.

4. On the statement of his brother FIR No.169 dated 08.12.2010 under Sections 341, 323, 324, 148 and 149 of IPC was registered against the aforesaid persons, but during investigation police illegally and against facts placed appellant/defendant No.1 in column No.2. Respondent/plaintiff had asserted that on account of injuries inflicted he had suffered mental and physical pain and had also incurred a huge financial loss in the shape of amount spent on his treatment as well as loss of income. Respondent/plaintiff accordingly had sought compensation of Rs.5,00,000/-.

5. Appellant/defendant No.2 had contested the suit by filing

detailed written statement challenging the maintainability of suit. On merits, it was asserted that it is respondent/plaintiff and his family members who are criminal in nature. That on 29.03.2010, respondent/plaintiff, his brother and father with intention to kill appellant/defendant No.2 in connivance with each other had caused injuries on his person. That a complaint under Section 323, 307, 341 and 506 IPC against respondent/plaintiff, his brother and father is pending. It was asserted that the story set up by respondent/plaintiff is a false one and rather his brother and father had caused hurt to appellant/defendant No.2 and no injuries were caused by appellants/defendants. From the pleadings of parties, following issues were framed.

1. Whether the plaintiff is entitled to the relief of recovery as prayed for? OPP
 2. Whether suit of the plaintiff is not maintainable in the present form? OPD
 3. Whether the plaintiff has not come to the Court with clean hands and has suppressed the material facts from the Court? OPD
 4. Whether plaintiff has no locus standi to file the present suit? OPD
 5. Whether the plaintiff is estopped by his own act and conduct from filing the present suit? OPD
 6. Relief.
6. In order to prove injuries suffered in occurrence dated 08.12.2010, respondent/plaintiff-Jatinder Kumar had examined Dr. Narinder Bansal as PW1 and Dr. Sital Kumar as PW2. He himself appeared as PW3 and examined his brother Bal Krishan as PW4. Apart from Dr. Narinder Bansal (PW1) and Dr. Sital Kumar (PW2) he also examined Dr. Santokh Singh as PW5 and investigating officer HC Dharam Singh as PW6 and has

placed on record the following documents:-

Ex.P1	Attested copy of x-ray reporting register
Ex.PW2/A	Photocopy of indoor file
Ex.PW2/B	Photocopy of Bill
Ex.PW2/C	Photocopy of receipt
Ex.PW3/A	Certified copy of MLR
Ex.PW3/B	Certified copy of pictorial diagram
Ex.PW3/C	Certified copy of supplementary MLR
Ex.PW3/D	Certified copy of pictorial diagram
Ex.PW3/E	Certified copy of bed head ticket
Ex.PW3/F	Certified copy of charge sheet
Ex.PW5/A	Copy of FIR No.169 dated 08.12.2010
Ex.P6	Certified copy of DDR No.20 dated 18.12.2010
Ex.P7	Certified copy of appeal
Ex.P8	Certified copy of order dated 13.08.2015
Ex.P9	Certified copy of appeal
Mark A to Mark P	Copies of medicine bills

7. On the other hand, appellant/defendant No.1 appeared as DW1 and had tendered documents Ex.D8 to Ex.D17. Learned Court of first instance had decreed the suit and had awarded compensation of Rs.3,00,000/-, however, learned First Appellate Court reduced the compensation from Rs.3,00,000/- to Rs.2,00,000/-. Appellants/defendants are aggrieved by grant of compensation.

8. Learned counsel for appellants/defendants has argued that appellants/defendants have since been acquitted in criminal trial and, therefore, both the Courts have erred in relying upon statement made by PW1 and PW2 to conclude the occurrence as stated by them. He argues that since the matter pertains to distress caused out of injuries caused in the incident, therefore, suit would fall under Part VII of Schedule of Limitation Act and would be covered by Article 79 of Limitation Act which prescribes period of limitation to be one year. The suit was admittedly filed within three years and, therefore, suit is barred by limitation.

9. On consideration, I find that both the objections taken by appellants/defendants were duly taken into consideration by both the Courts. Both the Courts on appreciation of evidence of PW1 and PW2 as well as PW6-Investigating Officer corroborated by evidence of doctors PW1, PW2 and PW5 had concluded that it was appellants/defendants No.1 and 2 who had caused injuries on the person of respondent/plaintiff-Jatinder Kumar.

10. The standard of proof in civil cases and criminal cases is altogether different. In criminal cases the standard of proof is to prove a case beyond reasonable doubt against an accused and if there is any doubt, the benefit goes to accused, whereas in civil cases standard of proof is preponderance of probability and in case sufficient material to conclude a fact is available, Civil Court can come to a conclusion regarding existence of said fact. The standards therefore, are different and their applicability is also different and it is for this reason that findings recorded by criminal Courts are not binding on the Civil Courts.

11. In the present case also mere acquittal of appellants/defendants would not help the case of appellants/defendants to avoid payment of compensation. Nothing could be shown by learned counsel for appellants/defendants as to create doubt about evidence of PW1 and PW2 whose evidence was consistent and further supported by PW6 Investigating Officer and doctors PW1, PW2 and PW5. The pendency of criminal trial against appellants/defendants does not arise from occurrence dated 08.12.2010. The same pertains to different date and occurrence for which appellants/defendants have already filed a complaint. Their right arising from said occurrence dated 29.03.2010 cannot be clubbed with consequences of present incident dated 08.12.2010. Both are different cases

and right of parties flow differently out of both the occurrences, therefore, mere pendency of criminal trial on account of incident dated 29.03.2010 would not absolve appellants/defendants from their liability to pay compensation, if it has been proved that they were the ones who had caused injuries to respondents/plaintiffs.

12. Learned Courts below have found on appreciation of evidence that it was appellants/defendants who had caused injuries and no exception to the said finding can be taken. Therefore, concurrent findings of learned Courts below are upheld. The second ground taken by learned counsel for appellants/defendants again is without any merit. Present is a case for damages and not of distress. The provisions of Article 79 of Limitation Act shall not apply, rather suit being a suit for damages, limitation would be three years as per Limitation Act, therefore, the suit was within limitation as it was filed on 05.12.2013, whereas occurrence had taken place on 08.12.2013. Accordingly, suit cannot be held to be barred by limitation. No other question of law or facts arises and raised in the present appeal. Present appeal is, therefore, without any merit, hence is dismissed.

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

19.02.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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