IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4389 of 2015 (O&M)
Date of Decision.10.12.2015

Sidhu son of Sh. Ghonu Sahu   ....Appellant

Vs.

Jai Narayan Bhandari and others   ....Respondents

Present: Mr. R.S. Bains, Advocate
             for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1.   Delays of 121 days in filing and 63 days in refiling are condoned.

2.   The appeal is against the dismissal of the suit filed by the plaintiff claiming damages of ₹5 lacs for loss of vision alleged to have been caused by a criminal assault made by the defendant. The plaintiff examined himself and his brother to speak about the defendant's involvement in the act when the trial was proceeding on a contest made by the defendant that he had not been in any way involved in the incident. The plaintiff was relying upon a medical record to show that there was an entry that the accident must have taken place only on account of some physical violence but even the doctor had not been examined. The trial Court, therefore, reasoned that best of evidence had not been placed before the Court, for an independent eye witness who was said to have admitted the plaintiff at the hospital was also not

examined. The case stood for consideration only on the basis of the plaintiff and his brother who was not himself a personal witness to the accident. With the fragile character of evidence that was let in and the non-examination of the doctor, the trial Court dismissed the suit and the appellate court affirmed the same. I would find that the findings of the Courts below are well reasoned and the result was on appreciation of pure questions of fact. There exists nothing for intervention in the second appeal.

3.   The second appeal is dismissed as devoid of merit.

                                        (K. KANNAN)
                                         JUDGE
December 10, 2015
Pankaj*