

HRAM020024502017



Presented on : 14-08-2017
Registered on : 14-08-2017
Decided on : 24-12-2024
Duration : 7 years, 4 months, 10 days

**IN THE COURT OF
Additional Civil Judge (Senior Division) at Ambala
Presided Over by Manjeet Pal**

Cs/1678/2017

1. Varinder Kumar S/o Late Sh. Samsar Ram @ Samsher Ram,
2. Jatinder Kumar S/o Late Sh. Samsar Ram @ Samsher Ram,
3. Manjeet Kaur D/o Late Sh. Samsar Ram @ Samsher Ram,
4. Santosh W/o Late Sh. Samsar Ram @ Samsher Ram, all R/o H. No. 79, Dadiyana, Kakru-Barara, District Ambala.

.....Plaintiffs

Versus

1. The Chairman, Uttar Haryana Bijli Vitran Nigam Limited, Vidyut Bhawan, Plot No.C-16, Sector-6, Panchkula, Haryana.
2. Sh. Gaurav Lauyak, Sub Divisional Officer, 'OP' Sub Division West, Uttar Haryana Bijli Vitran Nigam Limited Ambala City, Haryana.
3. Sh. Jimmy Kumar Junior Engineer 'OP' Sub Division-West, Uttar Haryana Bijli Vitran Nigam Limited Ambala City, Haryana.
4. Sh. Mulakh Raj, Line Man 'OP' Sub Division-West, Uttar Haryana Bijli Vitran Nigam Limited Ambala City, Haryana.
5. Sh. Pawan Kumar, A.L.M 'OP' Sub Division-West, Uttar Haryana Bijli Vitran Nigam Limited Ambala City, Haryana.
6. Sh. Harnek Singh, Official 'OP' Sub Division-West, Uttar Haryana Bijli Vitran Nigam Limited Ambala City, Haryana.
7. Sh. Jitender Kumar, Official 'OP' Sub Division-West, Uttar Haryana Bijli Vitran Nigam Limited Ambala City, Haryana.
8. Sh. Mohan Singh, Official 'OP' Sub Division-West, Uttar Haryana Bijli Vitran Nigam Limited Ambala City, Haryana.

.....Defendants

Suit for Compensation

Manjeet Pal, (HR-0402),
Additional Civil Judge (Sr.Divn.),
Ambala, 24.12.2024

Present: Sh. Shubham Aggarwal, Advocate for plaintiffs.
Sh. Vivek Sachdeva, counsel for defendants no.1.
Ms. Kanupriya Grewal, counsel for defendants no.4 and 5.
Sh. Pawan Goel, Adv for defendant no.6.
Sh. Harpreet Singh, counsel for defendant no.7 to 8.
Defendants no.2 and 3 proceeded against exparte v.o.d
16.01.2020.

JUDGMENT:

By this judgment, this Court shall decide the present suit which has been instituted by the plaintiffs for a decree for recovery of damages to the tune of ₹50 lakhs along-with interest @ 12% from due date till payment be passed from the defendants as minimum damages on account of loss suffered by the plaintiffs due to the negligence of the defendants.

2. For proper adjudication of the present suit, it would be worthwhile to reproduce the summarized version as incorporated in the plaint.

3. Shorn off unnecessary details, it has been precisely averred by the plaintiffs that the father of the plaintiff died of electrocution on 11.01.2017 because of gross negligence, carelessness and willful act of the electricity department. On 11.01.2017 at around 11:30 AM, the officials of the defendant- the Electricity department visited the Village to remove the electricity pole wrongly placed outside the house of one Jasvir Singh S/o Sh. Harnam Singh as the same used to hinder the passers by on road. The officials of the electricity department requested the residents of Village to help them in removing the pole. They told that the electricity connection has been disconnected and it is totally safe to touch the pole and asked them

to hold the rope. Upon the request of the defendants, the plaintiff no.1 along-with his father, Uncle Prithviraj, Harbhajan Singh and Chhajjram came to help the officials of the defendant department. Plaintiff no.1 along-with his father and other residents of village kept working as per the instructions to the Defendants. While pulling out the pole, as directed by the defendants, due to the negligence and carelessness of the defendants, the electricity pole suddenly fell upon the father of the plaintiff due to which he got severe injury in his head and became unconscious. He was immediately taken to the Civil Hospital, Ambala City in the official van of the defendant department bearing vehicle registration no. HR-37D-5283 where he was declared dead by the doctors due to head injury.

4. It is further averred that plaintiff no.1 visited the Police Station, Ambala Sadar on 11.01.2017 to get his statement recorded before the police officer about the incident. The officials of P.S. Ambala Sadar visited the spot and they recorded statement of the plaintiff and prepared the report. One F.I.R. bearing No. 0006 dated 11.01.2017 was registered in this regard. The post mortem report dated 11.01.2017 prepared by the doctors/medical officer Civil Hospital, Ambala City clearly mentioned that the father of the plaintiff no.1 and 2 died because of “the extra dural haemorrhage and shock due to injuries” and caused by blunt weapon with heavy force. The death of Sh. Samsar Ram @ Samsher Ram has left the plaintiffs and other dependents of his family including his mother and siblings helpless with almost all avenues close to earn and support himself only because of the

gross negligence of U.H.B.V.N. The death of the father of plaintiff no.1 was caused due to wrongful act of the Electricity department which could have been averted, had the concerned officials and employees of the Electricity department been vigilant in performing their duty. The plaintiffs had visited the defendant department several times after the happening of this incident requesting to compensate the loss suffered by the plaintiff and his family due to death of the bread earner of the family because of clear cut negligence of the defendants. But the defendants have been continuously ignoring the genuine requests of the plaintiffs for the reasons best known to the defendants. Hence, the present suit.

5. Upon notice, none appeared on behalf of defendants no. 2 & 3 and they were proceeded against ex parte void order dated 15.01.2020. Defendant no.1 has filed his separate written statement whereas defendants no. 4 to 8 filed their joint written statement by taking preliminary objections as to maintainability; clean hands and concealment of true facts; no locus standi and cause of action etc. On merits, it is submitted that there was no any negligence, carelessness and willful act of the electricity department in causing the death of the father of plaintiffs. The officials of the answering defendant discharge their duties while dismantling the spare/idle pole in a very careful, cautious and vigilant manner and all the possible measures were being adopted by the answering opposite party. As a matter of fact, Sh. Iqbal Singh, the husband of Sarpanch of the Village has complained for dismantling the spare/idle pole in Village Dadiyana and for removing the

pole, the defendants no.4 to 8 being competent officials of the Nigam were deputed and all the defendants no.4 to 8 visited the Village and after 15 to 20 minutes, Sh. Iqbal singh reached the Village and took the staff to the site. The said pole, which is to be dismantled, is in a street in which 2 nos. shops/general store in the name of Sh. Lakhwinder/Arjan Dass and Agrej Singh exists.

6. It is further submitted that the staff informed Sh. Iqbal and others present at the site about complications/danger in the execution of the dismantlement of pole on which Sh. Iqbal deputed known persons in the street to stop the passage of any person near the pole to be dismantled and only then the staff of the Nigam started their work and tightened the pole from one side with rope/Rassa with the help of a tree in the house of Sh. Babu (Jasbir). When the staff started falling the pole slowly after progressing a lot, they heard the sound of people that someone was injured under the pole. That stage the staff tried to hold/pull back the pole; but at that angle on which the pole tilted reached, it was not possible for them to hold or pull back the pole. The staff immediately took the injured person Sh. Samsher Ram to the civil hospital with the help of villagers in the complaint vehicle, where he was declared dead. Thus the electricity department is not responsible in any manner. The staff has strictly restricted the private person to come near the pole, which was under the process of dismantle; but Samsher Ram despite that came there and for his individual act and conduct, the answering defendant is not liable in any manner. It is

further submitted that deceased Samsher Ram suffered injuries and he was shifted in the vehicle by the defendant through their employees for immediate medical help; but the doctor declared him dead. Samsher Ram-deceased immediately came near the pole despite the private persons were restricted by the employees of the Nigam during dismantling the spare/idle pole from the spot. Moreover the staff of the Nigam applied all possible attempts to restrict the private persons and even Iqbal Singh was told not to allow the private persons to come near the pole at the place of working. The father of plaintiff no.1 himself caught hold the pole despite restriction given by the staff of the answering defendant. Denying all other contents of plaint, dismissal of the suit has been prayed for.

7. From the pleadings of the parties and after hearing learned counsels for both sides, the following issues were re-framed, which are as follow:

1. Whether the plaintiff is entitled to compensation to the tune of ₹50 lakhs, as prayed for? OPP
2. Whether the suit of the plaintiff is not maintainable in the present form? OPP
3. Whether the plaintiff has no locus standi to file the present suit? OPD
4. Whether the plaintiffs have no come to the court with clean hands and have suppressed the true and material facts from the court.
5. Whether the suit of the plaintiff is bad for want of proper court fee? OPD
6. Relief

8. Thereafter, parties were permitted to produce their respective oral as well as documentary evidence on record.

9. In oral evidence, plaintiffs have examined the following witnesses:

PW1	Varinder Kumar, plaintiff no.1 himself
PW2	Harbhajan Singh.
PW3	Satosh, plaintiff no.4 herself.

In documentary evidence, plaintiffs have tendered the following documents:

Ex.P1	Photograph
Ex.P2	FIR
Ex.P3	Post Mortem Report
Ex.P4	Death Certificate.
Ex.P5	Registered AD
Ex.P6	Postal Receipts.
Ex.P7	Copy of Aadhar Card
Ex.P8	Copy of Aadhar Card
Ex.P9	Copy of Aadhar Card
Ex.P10	Copy of Aadhar Card
Ex.P11	Copy of Aadhar Card
Ex.P12	Copy of Judgment

10. On 19.05.2023, evidence of the plaintiffs was hereby closed by Court order.

11. In order to rebut the evidence of plaintiffs and in order to prove his version, defendants have produced the following oral as well as documentary evidence:

In oral evidence, defendants have examined the following

witness:

DW1 Mulkh Raj.

In documentary evidence, defendants have tendered the following documents:

Ex.D1 Copy of Statement of PW1

Ex.D2 Copy of Photograph

Ex.D3 Copy of Statement of PW3

12. On 25.07.2024, learned counsel for the defendants vide their separately recorded statement of even date, after tendering documents, closed evidence of defendants.

13. Opportunity of rebuttal evidence was given to the plaintiff but no evidence was led in rebuttal evidence and on 19.12.2024, learned counsel for the plaintiff vide his separate statement closed rebuttal evidence.

14. This Court has duly heard learned counsel for plaintiff and learned counsel for defendant and perused the material available on record very carefully. My issue-wise findings with reasons thereon are as follow:

Issue No.1:-

15. The onus to prove this issue lies upon the plaintiffs and while arguing on this issue, learned counsel for the plaintiffs has argued that on 11.01.2017, the officials of the defendant department visited the Village to remove the electricity pole wrongly placed outside the house of one Jasvir Singh. The officials of the electricity department requested the residents of

Village to help them in removing the pole. Upon the request of the defendants, the plaintiff no.1 along-with his father, Uncle Prithviraj, Harbhajan Singh and Chhajjaram came to help the officials of the defendant department. While pulling out the pole, as directed by the defendants, due to the negligence and carelessness of the defendants, the electricity pole suddenly fell upon the father of the plaintiff due to which he got severe injury in his head and became unconscious and he died. The father of the plaintiff died because of gross negligence, carelessness and willful act of the electricity department. Learned counsel for the plaintiffs has further argued that the plaintiffs have duly proved their case by examining all the relevant evidence and the defendants have failed to disprove that there was no negligence on their part. With these arguments, a prayer has been made to decree the suit of the plaintiffs. In support of his case, Learned counsel has relied upon the authorities i.e. State of Hamachal Pradesh & Ors Vs Naval Kumar alias Rohit Kumar Civil Appeal No. 1339 of 2017 (S.C), Naval Kumar alias Rohit Kumar Vs State of H.P. & Ors CWP No. 475 of 2013 decided on 09.01.2015, Raman Vs Uttar Haryana Bijli Vitran Nigam Ltd. Civil Appeal No.11466 of 2014 decided on 17.12.2014 (S.C), Raman Vs State of Haryana and others CWP 14046 of 2012 (O&M) decided on 02.07.2013 (P&H) and Madhay Pradesh Electricity Board Vs Shall Kumari and Ors Civil Appeal No. 180 of 2002 decided on 11.01.2002 (S.C).

16. On the other hand, learned counsels for the defendants have argued that the law is well settled that the plaintiff has to prove his case by

standing on his own legs and he cannot take benefit from the lacunae of the defendant's case. Learned counsels have submitted that it is the case of the plaintiffs that deceased Samsher Ram died due to electrocution but there is no record in this regard. They are taking two different plea at the same time. On the one hand, they are submitting that deceased Samsher Ram died due to electrocution whereas on the other hand, they are taking the plea that he died as the poll fell on his head. The plaintiffs have failed to explain what deceased was doing there. If any help was required by the defendants, some youth are required and an old age person was not required for that purpose. The defendants have forbidden the common men from coming to the site and the house of the deceased is not near to the spot, so, his presence was not required there but even if he was present there, it was his duty to be careful enough. It is the plea of plaintiff no.1 that he was also helping in that process but plaintiff has failed to depose how his father came under the pole. Hence, the plea taken by the plaintiff seems doubtful. Learned counsels have further argued that deceased Shamsher was not called by the defendants for help and strict instructions were given to the common persons not to gather at site and even after, if the deceased came on the spot, it is not the fault of the defendants and it is not the negligence of the defendants. With these arguments, a prayer has been made to dismiss the present suit. In support of his case, learned counsel has relied upon the authorities i.e. Joga Singh Vs. Jarnail Singh & others CR-5088-2019 (O&M) decided on 06.03.2024 (P&H), Vijaya Mittal and Others Vs. Anil

Khetan and Others CR-3320-2024 (O&M) decided on 18.11.2024 (P&H), Manju Rani Vs. Deepak Kumar Goyal and Others CR-4663-2018 (O&M) decided on 17.08.2022 (P&H), Prem Raj Vs. Poonamma Menon & Anr 2024(2) CCC 587 (S.C), Rulda Singh Vs. Paramjit Singh CR No.6524 of 2017 (O&M) decided on 10.05.2022 (P&H), Tamil Nadu Electricity Board Vs. Sumathi and Others AIR 2000 (SC) 1603, Tarsem Lal Vs. Kuldeep Kumar and Others CR-2288-2022 (O&M), decided on 19.12.2023 (P&H), Hardeep Singh Vs. Dhanwinder Kumar and Other CR-3644-2018 (O&M) decided on 09.02.2024 (P&H), Sunita Jain Vs. M/s P.L. Steel Industries and Others Civil Revision No.2400 of 2023 decided on 20.07.2023 (P&H) and Harminder Singh Vs. Punjab and Sind Bank CR-1784-2017 decided on 16.12.2023 (P&H).

17. After having heard learned counsel for the parties and after having gone through the case file minutely, this Court has arrived at the conclusion that the plaintiffs have succeeded in proving the case in their favour. In this context, first of all this court finds it appropriate to maintain that in this case the plaintiffs have claimed ₹50 lakhs as damages on account of death of deceased Shamsher due to electrocution by the negligence of the defendants department. On the other hand, as per the defendants' version, the plaintiffs have not produced any evidence that deceased Shamsher died due to the negligence on the part of the defendants. Sections 101 & 102 of Indian Evidence Act are reproduced here for facilitate reference :-

“101. Burden of proof. – Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

102. On whom burden of proof lies.- The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.”

A bare perusal of the aforesaid provision clearly reveals that the burden to prove a fact is lies on a person who asserts it and whose case would fail if no evidence is given by him.

18. The plaintiffs to prove their case got examined plaintiff no.1 as PW-1 who has tendered his affidavit Ex-PW1/A wherein he has specifically mentioned that on 11.01.2017, his father died due to the gross negligence, carelessness and willful act of the defendants. Plaintiff no.4 has also appeared in the witness-box as PW3 and she has also tendered her affidavit Ex. PW3/A in support of the case of the plaintiffs. PW2 Harbhajan Singh has also tendered his affidavit Ex. PW2/A in support of the plaintiffs wherein it has been mentioned that the defendants were removing the pole from the street and during the same, they called the villagers for help and the poll fell on the head of Shamsheer due to the negligence of the defendants. The plaintiffs have also placed on file FIR no. 06 dated

11.01.2017 as Ex. P2 and PMR as Ex. P3 wherein the cause of death has been mentioned as *“cause of death is extra dural haemorrhage and shock to the described injuries which is sufficient to cause death in normal coarse of time and person.”* Hence, from the perusal of the evidence led by the plaintiffs, it can be held that the plaintiffs have duly proved that deceased Shamsher died due to electrocution/falling of electric poll and there was negligence on the part of the defendants.

19. When the plaintiffs have proved the death of deceased Shamsher due to electrocution/ falling of poll, the onus shifted to the defendants to prove that there was no negligence on part of defendants department. At the stage of arguments, it has been argued by learned counsel on behalf of the plaintiffs that as the defendants have failed to give any evidence to prove that there was no negligence on the part of the defendant department, therefore, adverse inference should be drawn against the department. The court is convinced with the submission made by the plaintiff counsel.

20. This court is not convinced with the contention of learned counsels on behalf of defendants that the plaintiffs have failed to prove that deceased Shamsher died due to electrocution/falling of poll on him due to the negligence of the defendants. The learned counsels have taken the averments that deceased Shamsher died due to his own negligence as he was present on the spot whereas his presence was not required there and the General Public was directed not to gather there. The witnesses which were

present at the time of occurrence were not called into the witness-box by the plaintiffs to prove the death of deceased. This Court is of the view that plaintiff no.1 who was present at the time of occurrence has duly proved that deceased Shamsher died due to electrocution/ falling of poll while he was helping the defendants in removing the poll. Witness PW2 Harbhajan Singh, who was present at the time of occurrence has duly proved that deceased Shamsher died due to electrocution/falling of poll while he was helping the defendants in removing the poll. Their testimony cannot be discarded on the basis that they are interested witnesses. Since there is no rule of evidence that testimony cannot be relied unless a certain minimum number of witnesses have been examined. It is axiomatic that evidence is not to be counted but only to be weighed. It is not the quantity, but the quality of the evidence that matters. It is settled law that even testimony of one single witness if wholly reliable, is sufficient. If the defendants were of the view that no such occurrence took place and the testimony of plaintiffs' witnesses is not reliable, it was the responsibility of the defendants to summon the persons who were present at the time to shatter the testimony of these witnesses. But no such steps were taken by the defendants.

21. Now, it has to be seen whether there was any negligence or carelessness on the part of defendants. The defendants have taken the averments that deceased Shamsher was not called by the defendants and he at his own will came on the spot even after the prohibition of the defendants. Even if he was helping the defendants then also, he was doing

with his own will and he was not called by the defendants. If he had taken a bit precaution and care, the accident would have been avoided. It shows that the defendants are trying to escape their liability and want to divert the liability on the deceased Shamsheer. State or any corporation cannot be allowed to escape from their liabilities. It is upon the State to protect the life of the persons and if some mis-happening occurs, it cannot be allowed to escape from the liability. The defendants cannot take the plea that if the deceased had taken care, the accident would have been avoided. It was the duty of the defendants to secure that unwanted persons should not be gathered on the spot and when the deceased was helping the defendants, it was within their knowledge and it was their duty to stop the deceased from doing so. But no such steps were taken by the defendants.

22. So, this court is of the view that defendants cannot be allowed to take such pleas that it was negligence on the part of deceased himself. Hence, this Court is of the view that there was negligence and carelessness on the part of defendants. Hence, the defendants are liable to compensate the plaintiffs as deceased Shamsheer had died of electrocution/ falling of poll due to the negligence of the defendants.

23. Now, it has to be seen what amount of compensation should be given to the plaintiffs. The matter regarding the payment of compensation in such cases is clear that the provisions of motor-vehicle act as applicable to motor accident Claims Tribunal are applicable. The amount of compensation cannot be granted without adopting any parameters. This has

been clearly laid down by our Hon'ble High Court in **Satbir & anr. Versus Haryana Bijli Vitran Nigam Limited and Ors.** decided on 26.9.2014. This has also been laid by Hon'ble Supreme Court in **Kishan Gopal and anr. Vs. Lala & ors. 2014(1) SCC 244.** Now, it should be determined what was the notional income, reduction and the multiplier which is applicable to the present case. Firstly, what amount should be deducted from the income of deceased towards his personal and living expenses. It is submitted by the learned counsel for the plaintiffs that where the number of claimants are 2-3, deductions towards personal expenses of the deceased should be 1/3rd as held by the Hon'ble Apex Court in **Sarla Verma & ors. Versus Delhi Transport & anr. 2009 ACJ 1298** and in the case in hand, as the number of claimants are four, 1/3rd income of the deceased should be deducted from his total income towards his personal and living expenses. This court agrees with the contention of plaintiffs' counsel. The defendants' counsel has not relied upon any authority contrary to this authority which has been relied upon by the plaintiffs' counsel.

24. Now, it has to be seen what was the income capacity of the deceased when he died. At the time of arguments, learned counsel for the plaintiffs has submitted that deceased Shamsheer was working in a factory and his monthly salary was ₹15,000/-. The plaintiffs have only taken the averments in this regard in the plaint as well as in their evidence and there is no document on file to corroborate the version of the plaintiffs. Hence, this Court is of the view that merely on the averments of the plaintiffs, it

cannot be admitted that the deceased Shamsheer was working in the factory and his monthly income was ₹15,000/-. However, this Court is of the view that his nominal income may be assessed as ₹10,000/- per month. Therefore, his notional income for the purpose of determination of compensation is assessed as ₹1,20,000/- per annum i.e. ₹10,000/- per month. The deceased has left behind four dependants and accordingly 1/3rd of this would have to be deducted towards the personal living and expenses and this amount comes to ₹40,000/- leaving the balance amount as ₹ 80,000/-.

25. The next question for determination is regarding multiplier as to which multiplier should be applied. It is submitted by the learned counsel for the plaintiffs that the multiplier should be the age of the deceased and as the deceased was in the age of 55 years, multiplier of 11 should be applied as held by the Hon'ble Apex Court in Sarla Verma's case. In Amrit Bhanu Shali & ors. Versus National Insurance Co. Ltd. & ors. 2012 ACJ 2002, it has been held by Hon'ble Supreme Court that selection of multiplier should be based on the age of deceased and not on the basis of age of the dependent because there might be a number of dependents on the deceased whose age might be different and therefore, the age of dependents had no nexus with computation of compensation.

26. Applying the ratio laid down in the above-said cases, for the purpose of capitalization of loss, the multiplier of '11' would be applicable as per the ratio of judgment of the Hon'ble Apex Court in **Sarla Verma and**

ors. Versus Delhi Transport Corporation & anr. (supra). If the said multiplier is applied, the compensation, comes to ₹8,80,000/- (₹80,000/- x11). Thus, the plaintiffs are entitled to ₹8,80,000/- alongwith interest @ 6% per annum from the date of institution of this suit till its realization. The defendants are liable to pay the same jointly and severally. Accordingly, this issue is decided in favour of the plaintiffs.

Issues No. 2 to 4:-

27. The onus to prove these issues is on the defendants, however, neither these issues have been argued at the time of arguments nor any evidence has been led by the defendants on these issues. Hence, these issues are decided against the defendants and in favour of the plaintiffs.

Issue No.5:-

28. The onus to prove this issue was upon the defendants and while arguing on this issue, learned counsels for the defendants have maintained that the present suit is not maintainable as plaintiffs have not affixed ad-valorem court fee on the relief claimed by them. The plaintiffs have sought a compensation of ₹50 Lakhs, so they were required to affix court fee as per the compensation amount claimed by them but they have failed to do so. So, their suit be dismissed on this ground. With these averments, a prayer has been made to decide this issue in favour of the defendants and against the plaintiffs.

29. On the other hand, learned counsel for the plaintiffs has submitted that court fee is a matter between plaintiff and the court and

defendant is nobody to take the plea. The court may direct the plaintiff to affix court fees as per the relief given to the plaintiff and if the plaintiff fails to affix court fee within the stipulated time, then the suit may be dismissed. With the averments, a prayer has been made to decide this issue against the defendants.

30. After having heard the counsels for both the parties, this court is of the view that the suit of the plaintiffs cannot be dismissed on this ground. In this context, first of all this court finds it appropriate to maintain that the law is well settled that the suit of the plaintiff cannot be dismissed on ad-valorem court fee and he may be directed to affix ad-valorem court fee by given him some time. Hence, the present suit cannot be dismissed only on account of its nomenclature but since practically, the plaintiff has sought the relief of compensation, hence, he has already been directed to affix Court fees as per the relief given to them within one month of the decision of the present suit, hence, the objection raised by the learned counsels for the defendants that the plaintiffs have tried to save the Court fee is not sustainable. Hence, this issue is decided against the defendants and in favour of the plaintiffs.

Issue No.6: Relief:-

31. In view of my findings on aforesaid issue No.1, the suit of the plaintiffs is decreed with costs. A decree for the amount of ₹8,80,000/- alongwith interest @ 6% per annum from the filing of suit till its realization is passed in favour of the plaintiffs and against all the defendants jointly and

severally and the same is enforceable if the plaintiffs affix the ad-valorem court fee on the plaint according to decretal amount within one month from the date of receipt of certified copy of this judgment. The said amount shall be disbursed in favour of the plaintiffs in equal shares. Decree-sheet be prepared accordingly. File be consigned to the record room after due compliance.

Pronounced in open Court:
24th December, 2024.

(Manjeet Pal),
Additional Civil Judge (Sr. Divn.),
Ambala, UID No.HR0402,

Note: Certified that this Judgment contains twenty (20) pages and all the pages have been duly checked and signed by me.

(Manjeet Pal),
Additional Civil Judge (Sr. Divn.),
Ambala, UID No.HR0402,

