

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

**Regular Second Appeal No.5640 of 2014 (O&M)
Date of Decision: January 23, 2015.**

Hardev Singh

.....APPELLANT(s).

VERSUS

Baljeet Kaur

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate
for the appellant (s).

SURINDER GUPTA, J.

Respondent-plaintiff filed suit claiming damages for the murder of her son Jagtar Singh by appellant-defendant. As per the respondent-plaintiff, the occurrence took place on 23.01.2004 at about 10.00 PM when the appellant fired shot with his rifle, which hit the head of Jagtar Singh, who fell down and died. An FIR No.09 dated 23.01.2004 for the offence punishable under Section 302 of Indian Penal Code and 25 of Arms Act, 1959 was registered at Police Station Boha in which the appellant was arrested and faced trial, resulting in his conviction.

Respondent-plaintiff claimed the damages to the tune of ₹3 lacs alleging that her son was aged 22 years and had annual income of ₹50,000.

Appellant-defendant denied all the averments of the plaintiff and his liability to pay any amount of damages. He alleged his false implication in the case and denied that Jagtar Singh was murdered by him. About

income of Jagtar Singh, the plea was taken that he was idle, having no income and was addicted to the vices.

The suit was decreed by Additional Civil Judge (Senior Division), Budhlada for recovery of ₹3 lacs as damages and the judgment was affirmed in appeal by Additional District Judge, Mansa.

Learned counsel for the appellant-defendant has argued that as admitted by the respondent-plaintiff that she was having 14 acres of agricultural land, as such, she was not dependent on the deceased. The Courts below have committed grave error of law and fact while ignoring this fact and allowing the damages of ₹3 lacs.

The above argument of learned counsel for the appellant-defendant carries no weight. It was a suit filed by respondent-plaintiff claiming damages for the murder of her son. In order to prove her case, she has produced on file the medical evidence, eyewitness account besides her own statement. It is not disputed that the appellant has also been convicted and sentenced for the murder of son of appellant. Even otherwise, on the basis of the evidence produced on file, the Courts below have reached the conclusion that the appellant murdered Jagtar Singh son of respondent. His conviction by Additional Sessions Judge, Mansa for the murder of Jagtar Singh has corroborated the evidence produced on file. The deceased was 22 years of age at the time of his murder. The respondent had calculated the damages suffered by her in the plaint as more than ₹21 lacs but claimed ₹3 lacs. The amount of damages allowed by the Courts below is not excessive, rather, it reflects that respondent-plaintiff with obvious reasons had restricted her claim to a very moderate amount. The mere fact that the respondent owns about 14 acres of land, in no manner, affects the claim put forth by her

claiming damages for murder of her son. The death of her son has caused lot of sufferings to the respondent besides losing her dependence on him during her old age.

On perusal of the paper book and the judgments of Courts below, I find no factual or legal infirmity therein calling for any interference.

No substantial question of law requiring determination arises in this appeal, which has no merits. Dismissed.

January 23, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE