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

**Date of decision : 11.02.2016
RSA-3333-2014 (O&M)**

1.

Raghbir Singh and others

...Appellants

Versus

Smt. Aako Devi (deceased through LRs) and others

...Respondents

2.

RSA-3661-2015 (O&M)

Radhey Sham

...Appellant

Versus

Smt. Aako Devi (deceased through LRs) and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jagdish Manchanda, Advocate
for the appellant(s) (in both the appeals).

Mr. S.S. Dinarpur, Advocate
for the respondent(s)-LRs of respondent No.1
(in both the appeals)

Mr. D.K. Mittal, DAG, Haryana.

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?

AMIT RAWAL, J. (ORAL)

CM-3710-C-2015

Prayer in this application filed under Order 22 Rules 4

read with Section 151 CPC is for impleading the legal heir of respondent No.1-Aako Devi who is stated to have died on 20.06.2014.

For the reasons stated in the application, the application is allowed and the LRs of respondent No.1-Aako Devi are permitted to be brought on record.

CM stands disposed of.

Main Cases

This order of mine shall dispose of two regular second appeals bearing **RSA No.3333 of 2014** titled as **"Raghbir Singh and others V/s Smt. Aako Devi (deceased through LRs) and others"** and **RSA No.3661 of 2015** titled as **"Radhey Sham V/s Smt. Aako Devi (deceased through LRs) and others"**. The appellants are the complainant/authority of FIR, which is resulted into the discharge of the Aako Devi since deceased.

Mr. Jagdish Manchanda, learned counsel appearing on behalf of the appellant(s), submits that suit for damages at the instance of Aako Devi (deceased) was filed on the ground that the complaint submitted by the appellants was based upon a false information as much as the form which she had filled and submitted for claiming "Widow Pension", whereas her husband was alive and resultantly, an FIR was registered at the instance of Radhey Sham.

The appellant-Raghbir was the complainant to the authority. Since, the information was filled by the Aako Devi (deceased) on her own accord which was concealment, rightly so, her pension was stopped and FIR was registered. Both the Courts below have failed to notice the aforementioned facts, thus, the substantial question of law arises for determination of this Court.

Mr. S.S. Dinarpur, learned counsel appearing on behalf of the respondent-LRs of the respondents-plaintiffs, submits that though, the information claiming the pension pertained to widow pension but in fact the clause 9 of the form contained different head and the application was submitted to claim destitute pension as she was living separately from her husband. This fact has been proved in the enquiry conducted by the Police and accordingly, Aako Devi (deceased) was discharged but she remained behind bar for a period of one day and thereafter, her pension was restored. It is, in these circumstances, the suit for damages was filed.

I have heard the learned counsel for the parties and appraised the paper book and am of the view that there is no substance, much less, no substantial question of law arises in the present appeal for the reasons that it has been subsequently found that it was not the widow pension which she was drawing, but it is destitute pension. The realization of destitute pension in case of living separately from her husband, the said information cannot be said to be based upon a false information. Both the Courts below have concurrently held that the once the pension has been restored,

the information supplied by Aako Devi (deceased) was correct and awarded the damages to the tune of ₹ 1,00,000/- as she had remained behind bar for a period of one day and suffered the agony of the registration of FIR bearing No.102 dated 07.09.2005.

Keeping in view the aforementioned facts, no ground is made for interference, much less, no substantial questions of law arises in the present appeal, accordingly, the appeals are dismissed.

11.02.2016
yogesh

**(AMIT RAWAL)
JUDGE**