

RSA- 4337 of 2019 (O&M)
Date of Decision: 22.10.2019

Gurpreet Singh @ Gopi

---Appellant

versus

Manpreet Singh alias Manna and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. D.K.Bhatti, Advocate
for the appellant**

Rekha Mittal, J.

Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby suit for damages on account of murder of Satnan Singh has been partly decreed by the trial court and respondents-plaintiffs have been allowed recovery of Rs. 3,53,333/- with interest @ 6% per annum only against defendants No. 1 and 2 including the appellant (defendant No. 2) therein. The appeal filed by the appellant was dismissed by the Additional District Judge, Jalandhar as the Court in Appeal affirmed findings of the trial court without variance.

The sole submission made by counsel for the appellant is that since compensation has been assessed by the trial court under Fatal Accidents Act, 1855 (in short “the Act”) reference whereof has been made in para 17 of its judgment, suit could be filed within a period of two years from the date of alleged murder of Satnam Singh but the suit has been filed beyond period of two years.

Counsel, in response to a query, would fairly inform that the

respondents-plaintiffs in their claim for compensation have not made reference to the Act meaning thereby that they claimed compensation under General Law of Torts. He has also conceded that a case of murder is not covered under the Act. The First Appellate Court has also held that the case is not covered under provisions of the Act. In the given circumstances, it is difficult to accept contention of the appellant that merely because the trial court has made reference to the Act, claim raised by the respondents-plaintiffs or question of limitation would be considered in the light of provisions of the said Act. No such plea has been raised by the appellant that compensation assessed by the trial court is more than what can be granted under the General law. In the given circumstances, contention raised by counsel on the question of limitation is patently misconceived and liable to be rejected.

No other point has been raised.

In view of what has been discussed hereinbefore, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

22.10.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No