

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

RSA-1607-2021 (O&M)

Date of decision: 05.01.2022

Nirbhai Singh (since deceased) through his LRs and others

....Appellants

Versus

Smt. Amarjit Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurinder Singh, Advocate for
Mr. R.S.Bajwa, Advocate for the appellants

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

CM-6350-C-2021

Allowed as prayed for, subject to all the just exceptions.
L.Rs of deceased appellant no.1-Nirbhai Singh, as mentioned in para 1 of the application, are permitted to be brought on record, for the purpose of prosecuting the present appeal.

Main case

The defendants, in a suit for recovery of Rs.5,00,000/- as compensation on account of death of Smt. Samarpreet Kaur @ Amandeep Kaur, assail the correctness of the concurrent findings of fact arrived at by the courts below, while decreeing the suit. The appellants are mother-in-law, father-in-law and sister-in-law of Late Smt. Samarpreet Kaur @ Amandeep Kaur, who was married to Late Sh. Nirbhai Singh son of Narender Singh, on 19.02.2006. It is the case of

the plaintiff that her daughter was tortured on the pretext of bringing insufficient dowry and was subsequently burnt to death on 07.11.2006 by her in-laws. In a criminal case, late Sh. Nirbhai Singh has been convicted. The suit was filed by Smt. Samarpreet Kaur @ Amandeep Kaur's mother claiming adequate compensation. Both the courts, as noticed above, have passed a decree to that effect.

Learned counsel representing the appellants contends that appellant no.4 (father-in-law) of late Smt. Samarpreet Kaur @ Amandeep Kaur, was not convicted in the criminal case and therefore, he could not be made liable to pay the compensation. He further contends that Sh. Nirbhai Singh was neither named as an accused in the FIR nor there are specific allegations against him in the civil suit.

In the present case, defendant no. 1 to 4 namely Nirbhai Singh, Satbir Kaur, Raman Kaur and Narender Singh collectively defended the suit. Defendant no. 4 did not claim that he is not liable as he was not an accused in the FIR. The suit was primarily defended on the ground that it is bad for non-joinder and mis-joinder of parties. Consequently, both the courts neither framed any issue on the aforesaid aspect nor returned any finding. It is not in dispute that defendant no.4, who is appellant no.4 herein, is the father-in-law. His daughter-in-law died within a period of less than 9 months from the date of marriage due to burn injuries. Defendant no.4 never entered the witness box. There is already a judgment passed by the Sessions Court convicting late Sh.Nirbhai Singh (who has also unfortunately died). The court has

awarded a compensation of Rs.5,00,000/- only.

Keeping in view the aforesaid facts, no ground to interfere is made out.

Hence, dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

05.01.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE