

RSA No. 3141 of 2001 (O&M) **1**

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

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**RSA No. 3141 of 2001 (O&M)
DATE OF DECISION :- 16.01.2026**

Darshan Singh and others

...Appellants

Versus

Surjit Kaur and others

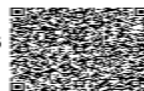
...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Rajiv Kataria, Advocate for the appellants.

VIRINDER AGGARWAL, J. (Oral)

1. This Regular Second Appeal arises from the judgment and decree dated 26.04.2001 passed by the learned District Judge, Faridkot, whereby the judgment and decree of the learned Civil Judge (Senior Division), Faridkot, rendered in the civil suit, were affirmed.
2. The deceased–Gurdip Singh had filed a suit seeking recovery of ₹3,00,000/- as damages/compensation on the allegation that he was assaulted by the defendants and sustained multiple injuries. He claimed compensation under various heads, including medical expenses of ₹60,000/-, travelling expenses up to ₹10,000/-, expenses of an attendant for six months at ₹2,000/- per month, special diet, loss of salary during the period of hospitalization, and future loss of salary, besides compensation on account of permanent disability.
3. The learned Civil Judge partly decreed the suit and granted a decree for recovery of ₹1,25,000/- against defendants No. 1 to 5. On appeal

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having been preferred, other party filed cross-objections. Both appeal and cross-objections were dismissed by the learned District Judge.

4. Aggrieved by the decree and judgment, the present Regular Second Appeal has been filed before this Court.

5. Learned counsel for the appellant contended that the plaintiff, Gurdip Singh, died shortly after filing the suit and that a claim for damages arising out of personal injuries constitutes a personal cause of action, which does not survive after the plaintiff's death. Reliance is placed on the judgment of the Hon'ble Supreme Court in '*Melepurath Sankunni Ezhuthassan v. Thekittil Geopalankutty Nair*', AIR 1986 SC 411, wherein the Court interpreted Section 306 of the Indian Succession Act, 1925, which reads as under:-

“306. Demands and rights of action of or against deceased survive to and against executor or administrator:-All demands whatsoever and all rights to prosecute or defend any action or special proceeding existing in favour of or against a person at the time of his decease, survive to and against his executors or administrators; except causes of action for defamation, assault, as defined in the Indian Penal Code (45 of 1860), or other personal injuries not causing the death of the party; and except also cases where, after the death of the party, the relief sought could not be enjoyed or granting it would be nugatory.”

6. In terms of the above provision, causes of action relating to defamation, assault, or other personal injuries not resulting in death do not survive after the death of the injured person. In the case cited, the Hon'ble Apex Supreme Court held that upon the death of the plaintiff during the pendency of the appeal in a defamation suit, the appeal itself abated as the cause of action did not survive.



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7. Applying the same principle to the present case, the cause of action based on personal injuries did not survive after the death of the plaintiff. Consequently, the suit itself could not have proceeded, and the judgments and decrees passed by both Courts below cannot be legally sustained. The same are, therefore, set aside, and the appeal filed by the appellant stands allowed.

8. Since the main appeal has been decided, all pending miscellaneous applications, if any, also stand disposed of accordingly.

(VIRINDER AGGARWAL)
JUDGE

16.01.2026
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No