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 PEOPLES BANK
 OF NORTHERN
 INDIA
 v.
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 GAUBA.

of the District Judge. This does not, of course, necessarily mean that the persons in whose favour the award has been made have no other remedy.

We were asked to interfere on the revision side if we were of the opinion that the District Judge had given a wrong decision. Such a reason, however, is no ground for interference on revision.

For the reasons given, we accept this appeal, reverse the order of the Single Bench and restore the order of the District Judge setting aside or refusing to enforce the award. The Bank will have its costs throughout.

A. N. C.

Appeal accepted.

APPELLATE CRIMINAL.

Before Young C. J. and Abdul Rashid J.

NAND LAL (CONVICT) Appellant

versus

THE CROWN—Respondent.

Criminal Appeal No. 1700 of 1934.

*Indian Penal Code, Act XLV of 1860, section 302 :
 Death caused by one blow — in sudden quarrel and heat of
 moment — proper sentence.*

Where there has been no premeditation, but a sudden quarrel and abuse, and in the heat of the moment one blow was struck by one party causing the death of the other party.

Held, that this is the type of case for which the second alternative sentence, *i.e.* transportation for life, is provided by section 302 of the Indian Penal Code.

Appeal from the order of Mr. I. M. Lall, Sessions Judge, Hoshiarpur, dated 13th December, 1934, convicting the appellant and sentencing him to death.

B. R. PURI, for Appellant.

D. R. SAWHNEY, Public Prosecutor, for Respon-
 dent.

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The judgment of the Court was delivered by—

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YOUNG C. J.—Nand Lal has been condemned to death by the learned Sessions Judge of Hoshiarpur for the murder of Nikku.

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Nand Lal had employed the son of Nikku, one Hukam Chand. It is clear on the evidence that Nand Lal thought that he had a good claim against Hukam Chand for the sum of Rs.50 and also for the return of some utensils. He went to the village of Hukam Chand in order to see if he could collect his dues. He went to the house of Nikku, the father of Hukam Chand, and there demanded payment and the return of the utensils. The father of Hukam Chand, *i.e.* Nikku, deceased, however, put in a counter-claim for two months' pay which he said was owing to his son by Nand Lal. It is established that this dispute, not unnaturally, led to a quarrel, and we have no doubt that abuse and hot words were exchanged between the deceased and the accused. The witnesses, although they deny it in Court, did use the words *jhagra* and *takrar* to the Sub-Inspector of Police and one witness used the word *sakht kalami* to describe the quarrel. In matters of this kind the probabilities are that these words do not sufficiently describe the actual abuse the parties used. Unfortunately Nand Lal, while the dispute was going on, produced a knife and plunged it into the heart of Nikku, who died at once.

Counsel for the appellant in this Court does not deny the fact that Nand Lal killed Nikku. He has confined his argument to a plea that the sentence should be reduced. We think, under the circumstances outlined above, we may accede to this plea. There was no premeditation; there was a quarrel and abuse and in the heat of the moment one blow was

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struck. This is the type of case for which the second alternative sentence, in our opinion, is provided by the Indian Penal Code. We, therefore, accept the appeal in so far as we set aside the sentence of death and impose instead a sentence of transportation for life; otherwise the appeal is dismissed.

A. N. C.

Appeal accepted in part.

APPELLATE CIVIL.

Before Addison and Din Mohammad JJ.

NAUBAT RAI (DEFENDANT) Appellant

versus

CHUNI LAL (PLAINTIFF)
 ATMA RAM AND OTHERS } Respondents.
 (DEFENDANTS)—

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Civil Appeal No. 725 of 1932.

Civil Procedure Code, Act V of 1908, Order XXI, rules 58 and 63 : Claim by objector to attached property — impleading judgment-debtor as a party — whether judgment-debtor can maintain a suit under rule 63.

In a claim petition under Order XXI, rule 58 of the Civil Procedure Code, objecting to the attachment of certain joint property, attached in the execution of a decree, the objector claimed that the property was exclusively owned by him. He impleaded both the decree-holder and the judgment-debtor as parties to this petition. The judgment-debtor was served, but on his failure to appear an order was passed by the executing Court that the objection proceedings would be *ex parte* so far as he was concerned. The objection succeeded in the executing Court. Thereupon the judgment-debtor brought a suit under Order XXI, rule 63, Civil Procedure Code, claiming a share in the property as his own and he was awarded a decree. On an appeal by the objector-defendant it was contended that the suit by the judgment-debtor did not lie.