

1947

Present : Jayetileke J.

PERERA, Appellant, and PERERA, Respondent.

S. C. 190—C. R. Colombo, 4,783

Tort—Injury to person—Right of private defence—Damages.

An act done in self-defence is a lawful act and no action will lie for injuries caused by it.

¹ (1909) 1 *Current L. R.* 107.

² *A. I. R.* (1932) *Lahore* 374.

A PPEAL from a judgment of the Commissioner of Requests,
Colombo.

E. O. F. de Silva, for the defendant, appellant.

No appearance for the plaintiff, respondent.

Cur. adv. vult.

October 17, 1947. JAYATILEKE J.—

The plaintiff sued the defendant in this action for the recovery of a sum of Rs. 300 as damages on the ground that the defendant assaulted him and fractured his left hand. The Commissioner accepted the evidence of the defendant's son that the defendant inflicted the injury on the plaintiff in the exercise of the right of private defence, but yet he awarded to the plaintiff a sum of Rs. 100 as damages. This order is clearly wrong. Voet¹ says that an act done in self-defence is a lawful act, and, consequently, no action will lie for injuries caused by the same.

I would set aside the judgment appealed against and dismiss the plaintiff's action with costs here and in the Court below.

Appeal allowed.

¹ *Voet* 9.2.22, 28.