

(4)

IN THE HIGH COURT OF JUDICATHRE AT JABALPUR

Second Appeal No. 905 of 2000

(Memorandum of Second Appeal U/Section 100 of CPC)

APPELLANT
PLAINTIFF

: Prakash Trading Company, through
Partner Kamal Kishore Rathi,
S/o Sita Ram Rathi, resident of
Rathi Kunj, Ganjpara Durg, Distt
Durg (MP).

Versus

RESPONDENTS
DEFENDANTS

- : 1. Kan Mal Jain S/o not known
Proprietor Parakh Traders
Rajnandgaon District
Rajnandgaon .
2. Nemichand Jain ,Partner firm
Rekhchand and Company,
Rajnandgaon, District
Rajnandgaon.
3. Radheshyam Sharma, r/o
near Ganj in front of the
home of Bhagirath Gopilal
House, Rajnandgaon, District
Rajnandgaon (MP).
4. Manak Lal Gond ,r/o near
the State Bank Ganjpara
Durg, District Durg (MP).

MEMORANDUM OF SECOND APPEAL UNDER SECTION 100 CPC



(16)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Justice P. Sam Koshy

Second Appeal No. 905 of 2000

Appellant
Plaintiff

Prakash Trading Company

VERSUS

Respondents
Defendants

Kan Mal Jain and others

Present: Shri Sunil Sahu, counsel for the appellant.

Oral Order
(01.10.2013)

The instant second appeal has been preferred by the appellant/plaintiff herein challenging the judgment and decree dated 27.4.2000 passed by the District Judge, Durg in First Appeal No.45-A/1999 whereby the lower appellate court i.e. the District Judge, Durg had confirmed the judgment and decree dated 19.7.1993 passed by Additional District Judge, Class-I in Civil Suit No.21-A/1993.

2 The appellant plaintiff had filed a suit for recovery of Rs.11,300/- against the respondents/defendants on purchase of 120 bags of *Tiwra Dal* from the appellant, which according to the appellant/plaintiff was not paid for.

3. After due consideration of the facts of the case wherein the respondents/defendants have entered into agreement and proceeded ex-parte, the trial Court vide its judgment and decree dated 19.7.93 has dismissed the said suit and drawn a decree accordingly.

4. Being aggrieved by the judgment and decree passed by the trial Court, the appellant had preferred a first appeal before the lower appellate court and the lower appellate court vide impugned judgment dated 27.4.2000 rejected the appeal preferred by the appellant. The appellant in the instant second appeal has assailed the said order.

5. After considering the submissions made by counsel for the appellant/plaintiff, after perusal of judgment of the trial Court and also after appreciating the evidence that has come on record, I find no substantial question of law involved in the instant second appeal and the same is liable to be dismissed and is accordingly dismissed. No order as to costs.

Sd-
P. Sam Koshy
Judge