

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

RSA-1829-1989 (O&M)

Date of Decision: May 20, 2015

Kiran Rubber Industry Mansa

.....Appellant

Versus

Punjab State Electricity Board and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.P.S.Punia, and
Ms.Harveen Kaur, Advocates
for the appellant.

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1. *Whether Reporters of local papers may be allowed to see the judgment ? yes*
2. *To be referred to the Reporters or not ? yes*
3. *Whether the judgment should be reported in the Digest? yes*

NARESH KUMAR SANGHI,(ORAL)

The subject matter of present regular second appeal is ₹19,250/- (Rupees nineteen thousand two hundred and fifty only).

At the very outset, it was brought to the notice of the learned counsel for the appellant that in view of the judgment passed by Hon'ble the Supreme Court in the matter of **Haryana Dairy Development Cooperative Federation Limited vs Jagdish Lal**, (2014) 3 Supreme Court Cases 156 and another

judgment passed by this Court in **Gurudawara Singh Sabha vs Uttar Haryana Bijli Vitran Nigam Limited and another** (RSA-4972-2012) decided on 21.05.2014, the regular second appeal, subject matter of which is ₹19,250/- (Rupees nineteen thousand two hundred and fifty only), is not maintainable.

Learned counsel contends that in view of the judgment of Hon'ble the Supreme Court and another judgment by this Court, the appeal may be decided accordingly.

In the matter of **Haryana Dairy Development Cooperative Federation Limited** (supra), Hon'ble the Supreme Court held as under:-

“1 In spite of the fact that Parliament has amended the Code of Civil Procedure, 1908 altering the provisions of Section 102 CPC providing that money recovery suit involving less than ₹25,000/- shall not be entertained in the second appeal, we are being burdened with cases where the litigation cost may be hundred times more than the amount involved. It has become the definite attitude of the officials not to take any responsibility even for petty issues and would waste public money approaching this Court. The Government departments would spend any amount on litigation instead of paying petty amount to the other party.

2. In the instant case, an amount of ₹8,724/- is to

be paid to the respondent employee as reimbursement of his medical claim and the petitioner, Haryana Dairy Development Cooperative Federation Limited treating the litigation as luxury must have spent the amount already by filing this petition more than the total amount involved herein.

3. *Many a time this Court has felt unhappy about the time of the Court being taken for days together by petty matters. (The Constitution Bench judgment in Sukhdev Singh Vs. Bhagatram Sardar Singh Raghuvanshi, AIR 1975 SC 1331.*

4 *In Kadra Pahadiya and Others Vs. State of Bihar, AIR 1997 SC 3750, this Court observed that:*

“If the load of such petty cases is taken out of the regular Courts, those Courts would have time to deal with more serious crimes rather than have their time consumed by such petty cases.”

5. *The Law Commission of India in its 145th Report has observed that what further agitates is the number of pending litigations relating to trivial matters or petty claims, some of which have been hanging for more than fifteen years. It hardly needs mention that in many such cases money spent on litigation is far in excess of the stakes involved, besides wasting valuable time and energy of the parties concerned as well as the Court.*

6. *We direct that the expenses of the litigation*

shall be incurred by the Managing Director personally who has signed affidavit in support of the petition and it shall not be taken from the Federation. A copy of the order be sent to the learned Chief Secretary of the State of Haryana as well as to the Managing Director.

7. The special leave petition is dismissed. In view of the above, question of law, if any is kept open.”

In the matter of **Gurudawara Singh Sabha** (*supra*),
this Court held as under:-

“ Plaintiff-appellant filed a suit for declaration to the effect that the demand of ₹17,357/- raised by the respondent as arrears of electricity consumption charges is bad, illegal and not binding upon his rights seeking further consequential relief of permanent injunction restraining the defendant-respondents to disconnect the electricity connection from its premises.

The suit was contested by the defendant-respondents on the ground that demand was raised legally for the outstanding amount against the appellant.

Both the Courts below on appreciation of evidence recorded a concurrent finding against the appellant holding that demand of ₹17,357/- as arrears of electricity consumption charges was

based on the record i.e. audit report etc.

Challenging the aforesaid judgments and decrees of the Courts below, learned counsel for the appellant has vehemently argued that the impugned judgments and decrees of the Courts below are liable to be set aside as both the Courts below have ignored the fact that before raising the demand, no notice was issued to the appellant and thus, he was condemned unheard.

Be that as it may, keeping in view the meagre amount involved in the suit itself and keeping in view the provisions of Section 102 CPC, this Court is not inclined to interfere in the impugned judgments and decrees of the Courts below observing that substantial questions of law, as raised, do not arise.

At this stage, it is also useful to refer to the observations of Hon'ble the Supreme Court in the case of Haryana Dairy Development Cooperative Federation Limited vs. Jagdish Lal (2014) 3 SCC 156 wherein the fact has been noticed that superior Courts are burdened and choked with unnecessary litigation on petty issues.

Dismissed."

In view of above judgments and taking into consideration the fact that the subject matter of regular second appeal is ₹19,250/- (Rupees nineteen thousand two hundred and fifty only), as well as the fact that no substantial question of law

arises for consideration, therefore, the present regular second appeal is dismissed being not maintainable.

May 20, 2015
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(NARESH KUMAR SANGHI)
JUDGE