

1070 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**RSA No. 55 of 1989 (O&M)
Decided on : 22.07.2015**

M/s Bhag Mal Sat Pal

...Appellant

Versus

Gurnam Singh (deceased) through his LRs

...Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of Local Newspapers may be allowed to see the judgment? YES
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest? YES

Present : Mr. S.C. Arora, Advocate
 for the appellant.

Mr. Nitin Sarin, Advocate and
Ms. Ankita Sambyal, Advocate
for the respondents.

SHEKHER DHAWAN, J. (ORAL)

Present appeal is against the judgment of reversal as plaintiff-firm had filed suit for recovery of ₹ 20,171.23 and the Court of first instance, decreed the suit for recovery of ₹ 15,917.23 alongwith interest. The First Appellate Court accepted the appeal and set aside the judgment and decree passed by the Court of first instance.

Learned counsel for the respondents took a plea that as per amended provisions of Sections 100 and 102 of the Code of Civil Procedure (CPC), 1908, there is complete bar of second appeal in case of money recovery decree involving less than ₹ 25,000/-. In support of his

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contention, learned counsel for the respondents has placed reliance upon the judgment of Hon'ble Supreme Court in case **Haryana Dairy Development Cooperative Federation Limited Versus Jagdish Lal (2014) 3 SCC 156**, wherein such law was laid down. Reliance also placed reliance upon judgment of Co-ordinate Bench of this Court in case **Gurudawara Singh Sabha Versus Uttar Haryana Bijli Vitran Nigam Limited and another, RSA No. 4972 of 2012 (O&M)**, decided on 21.05.2014.

Learned counsel for the appellant took the plea that the present litigation in this case started in the year 1986 and Sections 100 and 102 of CPC were amended in the year 2002. Retrospective effect of these provisions cannot be given in the present case. Hence, present second appeal is maintainable as per law.

In view of law laid down by Hon'ble Supreme Court in **Haryana Dairy Development Cooperative Federation Limited's case (supra)**, the present appeal is not maintainable. Provisions of Section 100 the CPC were amended so as to restrict the scope of second appeal and to curb such tendency to burden the higher Courts with litigation in such like cases involving petty recoveries.

In view of the above, present appeal is not maintainable and stands dismissed.

July 22, 2015
'dk kamra'

(SHEKHER DHAWAN)
JUDGE