

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

RSA-1668-1991 (O&M)

Date of Decision: May 13, 2015

U.C.O. Bank

...Appellant

Versus

M/s Roshan Lal and Sons and others

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. V.K. Kataria, Advocate,
for the appellant.

Mr. C.M. Munjal, Advocate,
for the respondents.

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, J (Oral)

The present regular second appeal has been filed by U.C.O. Bank (formerly known as United Commercial Bank) challenging the judgment and decree dated 10.5.1991, passed by learned Additional District Judge, Faridkot, whereby the appeal

filed by the appellant challenging the judgment and decree dated 16.3.1990, passed by learned Sub Judge Ist Class, Gidderbaha, was dismissed.

The sole submission in the present appeal is that adequate rate of interest was not granted by learned Trial Court in favour of the appellant Bank and thereafter the appeal was dismissed by learned first Appellate Court.

Learned counsel contends that value for the purpose of Court fee is Rs. 10,806/- (Rupees ten thousand eight hundred and six only). In other words, in the present regular second appeal, the claim is for Rs. 10,806/- only.

The brief facts of the case are that the respondents had borrowed Rs. 5,000/- (Rupees five thousand only) from the appellant bank in the year 1975. Few instalments were paid by the respondents to the appellant, but when they failed to repay further instalments, then a suit for recovery of Rs. 17,765/- (Rupees Seventeen thousand seven hundred and sixty five only) alongwith future interest @ 15% per annum was presented before learned Sub Judge Ist Class, Gidderbaha. The suit was decreed with costs as also with future interest @ 6% per annum from the date of institution of the suit till final realization of the decretal amount.

Dis-satisfied with the interest part, the appellant bank

filed appeal before learned Additional District Judge, Faridkot, which was dismissed vide judgment dated 10.5.1991. Still dissatisfied with the above two judgments, the present appeal has been filed claiming interest as per the agreement (Ex. P3) produced before learned Trial Court.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Section 102 of the Code of Civil Procedure, 1908, reads as under:-

“102. No second appeal in certain cases.- No second appeal shall lie from any decree, when the subject matter of the original suit is for recovery of money not exceeding twenty-five thousand rupees.”

In the present case, a suit for recovery of Rs. 17,765/- (Rupees seventeen thousand seven hundred and sixty-five only) was filed by the appellant Bank. Further, the subject matter of the present regular second appeal is Rs. 10,806/- (Rupees ten thousand eight hundred and six only). As per **Haryana Dairy Development Cooperative Federation Limited v. Jagdish Lal**, (2014) 3 SCC 156, 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 litigation 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.”*

Similarly, this Court in the matter of **Gurudawara Singh Sabha v. Uttar Haryana Bijli Vitran Nigam Limited and another** (RSA-4972-2012, decided on 21.05.2014) 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 that no substantial question of law arises for consideration, the present regular second appeal, the subject matter of which is Rs. 10,806/- (Rupees ten thousand eight hundred and six only), is dismissed.

(NARESH KUMAR SANGHI)
JUDGE

May 13, 2015
Pkapoor