

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.7929 of 2013 (O&M)

Date of Decision.10.08.2016

M/s Jai Shankar Finance Company and anotherPetitioners

Vs.

Paramjit Singh ChowkidarRespondent

Present: Mr. Mandeep Kumar Dhot, Advocate
for the petitioners.

Mr. Gulam Nabi Malik, Advocate
for the respondent.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

AMIT RAWAL J. (ORAL)

The petitioners-plaintiffs are aggrieved of the judgment and decree rendered by the lower Appellate Court whereby it reversed the judgment and decree of the trial Court, decreeing the suit for recovery of ₹20,000/-.

Mr. Mandeep Kumar Dhot, learned counsel for the petitioners submits that the revision petition under Section 115 of the Code of Civil Procedure would be maintainable as there is grave illegality and perversity, for, the lower Appellate Court has not rendered the judgment in consonance with the provisions of Order 41 Rule 31 CPC, in essence, did not frame the point of determination, much less, decided the appeal on the point which was never taken by the defendant in the written statement i.e. the plaintiff, being the partnership firm was not registered.

I have heard learned counsel for the petitioners. This Court

confronted the counsel appearing for the petitioners to a query that how the revision petition against a decree would be maintainable. As per the provisions of Section 104 CPC as amended by Act of 2002, no regular second appeal would lie against the judgment and decree less than ₹25,000/-. Party cannot be permitted to circumvent the statutory provision by filing the revision petition. This view of mine had already been upheld by the Hon'ble Supreme Court in respect of the matters where there is statutory bar in filing appeal against the award of Motor Accident Claims Tribunal that is less than ₹25,000/-. Same principle would apply in the present case as well.

For the aforementioned reasons, the revision petition against the decree is not maintainable. It is dismissed on this ground alone.

(AMIT RAWAL)
JUDGE

August 10, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No