

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

RSA No.761 of 1987

Date of Decision: 17.05.2016

Phool Chand Bansal

.....Appellant

Versus

Parvinder Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Himanshu Puri, Advocate for Mr. P.M. Anand, Advocate for the appellant.

Darshan Singh, J.(Oral)

The present appeal has been preponed in view of the list of old appeals circulated by the Arrear Committee.

This Regular Second Appeal has been preferred against the judgment and decree dated 10.9.1986 vide which the appeal filed by the appellant against the judgment and decree dated 22.5.1984 has been dismissed.

The plaintiff-appellant, who was a tenant under respondent-landlord, has filed the suit for recovery of ₹ 350/- on account of the excess payment of the rent.

The suit filed by the plaintiff-appellant was dismissed by the learned trial Court vide impugned judgment and decree dated 22.5.1984.

Aggrieved with the aforesaid judgment and decree, the plaintiff-appellant preferred the appeal. The same was also dismissed by the learned Additional District Judge, Chandigarh vide impugned judgment and decree dated 10.9.1986. Hence, this regular second appeal.

I have heard Mr.Himanshu Puri, Advocate for Mr. P.M. Anand, learned counsel for the appellant and have carefully gone through the

The plaintiff-appellant has filed the suit for recovery of excess amount of ₹ 350/- paid to the respondent-landlord. The subject matter of the suit was only of ₹ 350/-. Section 102 of the Code of Civil Procedure reads as under:

“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.”

As per the aforesaid provisions of law, 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 view of the aforesaid provisions of law, the present appeal is not maintainable and the same is hereby dismissed as such.

May 17, 2016
ps

(DARSHAN SINGH)
JUDGE