

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1459 of 1989

Date of Decision: 30.05.2016

Surinder Singh alias Surinder Kumar and Another

... Appellant(s)

Versus

Jeet Ram and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

- | | | |
|----|---|------------|
| 1. | Whether reporters of local newspapers may be allowed to see judgment? | Yes |
| 2 | To be referred to reporters or not? | |
| 3 | Whether the judgment should be reported in the Digest? | Yes |

Present: Mr. G.S.Bhatia, Advocate
for the appellant(s).

Mr. V.K.Mahajan, Advocate
for respondents No.1 & 2.

Shekher Dhawan, J.

Present regular second appeal, filed by defendants No.1 & 2, against the judgment & decree dated 13.2.1989, passed by learned Additional District Judge, Patiala, whereby judgment & decree dated 2.5.1988, passed by learned Sub Judge Ist Class, Rajpura was set aside and suit of the plaintiffs was decreed.

The only short point involved in the present regular second appeal is regarding maintainability of the appeal.

Learned counsel for the appellants submitted that amendment of

the present regular second appeal was filed on 5.6.1989. As such, present appeal is maintainable.

Learned counsel for respondents No.1 & 2 submitted that present appeal is against recovery of meager amount, which is less than ₹ 25,000/- and both the Courts below have already decided the litigation and present appeal is not maintainable after the amendment of Sections 100 and 102 CPC.

As per amended provisions of Sections 100 and 102 CPC, there is complete bar on second appeal in case involving recovery of amount, which is less than ₹ 25,000/-. There is no such provision in the amendment, which reveals that amendment has to come into operation for subsequent litigation. Such a view was taken by the Hon'ble Apex Court in *Haryana Dairy Development Cooperative Federation Limited Versus Jagdish Lal (2014) 3 SCC 156*. Similar view was taken by the Co-ordinate Bench of this Court in *Gurudawara Singh Sabha Versus Uttar Haryana Bijli Vitran Nigam Limited and another (RSA No. 4972 of 2012 (O&M), decided on 21.5.2014)*. Provisions of Section 100 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 amounts.

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

(Shekher Dhawan)
Judge

May 30, 2016
“DK”