

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

**RSA No. 2310 of 1989
Date of decision : 02.06.2016**

Union of India

..... Appellant(s)

Versus

Punjab Small Industries & Export Corporation,
Chandigarh and another

.... Respondent(s)

CORAM : HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Karminder Singh, Advocate,
 for the appellant(s).

None for the respondent(s).

JITENDRA CHAUHAN.J.

Plaintiff/respondent No.1 filed a suit for recovery of Rs.4513.60 against the appellant/defendant. The suit was dismissed vide judgment and decree dated 15.10.1988. However, the appeal filed by the plaintiff/respondent No.1 was allowed vide judgment and decree dated 8.6.1989.

It is the judgment of the lower appellate Court which is in challenge before this Court in regular second appeal. Learned counsel for the appellant/defendant submits that the lower appellate Court committed error in decreeing the suit as neither the report of the surveyor had been proved nor the shortage was proved. However, the lower appellate Court returned a finding that the goods were received

by the plaintiff/respondent under protest. The original Railway Receipt was not produced by the defendant/appellant for the reasons best known to it. Therefore, adverse inference was drawn against the appellant/defendant. 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 judgment and decree of the lower Appellate Court because no substantial questions of law arises in the present appeal. At this stage, in the present circumstances and peculiar facts of the case, it is relevant 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 it has been observed as under:-

“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 Sukhdev Singh, Oil & Natural Gas Commission, Life Insurance Corporation, Industrial Finance Corporation Employees Associations Vs. Bhagat Ram, Association of Class II, Officers, Shyam Lal, Industrial Finance Corporation AIR 1975 SC 1331).

In Kandra 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.

The Law Commission of India in its 155th report has observed that what further agitates is the number of

pending litigations relating to trivial matters or petty claims, some of which has 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 concerned parties as well as the Court.”

Consequently, the appeal is dismissed.

02.06.2016

SN

**(JITENDRA CHAUHAN)
JUDGE**