

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA
AT CHANDIGARH**

**RSA No. 2251 of 1990 (O&M)
Date of decision: 20.4.2017**

Harjit Singh

...Appellant

Versus

Mukesh Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Arun Kumar, Advocate for
Mr. Ajay Pal Singh, Advocate
for the appellant.

None for the respondent.

RAMESHWAR SINGH MALIK, J. (Oral)

Unsuccessful defendant is in regular second appeal, against the concurrent findings of facts recorded by the learned courts below, whereby suit for recovery of ₹10,000/-, was decreed.

During the course of hearing, when confronted with the provisions contained in Section 102 of the Code of Civil Procedure ('CPC' for short), that how the present appeal would be maintainable, learned counsel for the appellant had no answer and rightly so, it being a matter of record.

Section 102 CPC 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.”

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It is not in dispute that suit filed by the plaintiff was for recovery of ₹10,000/- only.

In view of the abovesaid provisions contained in Section 102 CPC, instant appeal is ordered to be dismissed as not maintainable.

20.4.2017
AK Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No