

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.218

Case No. : RSA No.1196 of 1992

Date of Decision : August 24, 2023

Food Corporation of India through its
Senior Regional Manager, Chandigarh
and another

.... Appellants

vs.

M/s Chandu Mal Ghisu Ram

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. H. S. Dhandi, Advocate
for the appellants.

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GURBIR SINGH, J. :

1. This second appeal has been filed against judgment and decree dated 09.01.1992, passed by learned District Judge, Faridkot (for brevity – Appellate Court), whereby the learned Appellate Court partly decreed the suit of the plaintiff-respondent firm for recovery of Rs.7,720/-, with costs throughout, along with interest @ 1½% per mensem, on the amount of Rs.5036.86 paise, from the date of suit till 31.05.1990 i.e. when the Trial Court had decided the suit, along with future interest.

2. As per facts of the case, the appellant Food Corporation of India (for short – FCI) purchased paddy from respondent for the period from 10.10.1984 to 03.11.1984. A sum of Rs.5036.86 paise was due and FCI failed to pay the said amount. So, respondent filed a suit against the appellants. The appellants contested the suit on the ground that paddy supplied by the respondent was short in weight and after adjusting the

shortage, full payment had already been made by the appellants.

3. After recording evidence, suit of the respondent was dismissed but learned Appellate Court partly decreed the suit as mentioned above.

4. I have heard learned counsel for the appellants and have also perused the record.

5. As per the amendment in Sections 100 and 102 CPC, there is complete bar for second appeal in case of money decree for amount of less than Rs.25,000/-. As per Section 102 CPC, no second appeal lies against the said decree.

6. The subject matter of the suit was recovery of money not exceeding Rs.25,000/-. Reference can be made to Haryana Dairy Development Cooperative Federation Ltd. vs. Jagdish Lal – (2014) 3 SCC 156 and Gurudwara Singh Sabha vs. Uttar Haryaja Bijli Vitran Nigam Ltd. and another – RSA No.4972 of 2012 (O&M), decided on 21.05.2014, wherein such law is laid down. Therefore, the appeal is not maintainable.

7. No question of law, much less substantial question of law, arises for determination in the instant second appeal and the same is accordingly dismissed, with no order as to costs.

8. Pending applications, if any, shall stand disposed of along with this judgment.

August 24, 2023
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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.