

**103-c IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM-490-C-2023 in/and
R.S.A No. 1848 of 1992(O&M)
Date of Decision: January 20, 2023**

Shiv Ram Vinod Kumar

.....Appellant

Versus

Market Committee, Nakodar

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.S. Brar, Advocate for the appellant.

LISA GILL, J.

CM-490-C-2023

For the reasons mentioned in the application as well as arguments addressed, order dated 09.12.2022 is recalled and appeal is restored to its original number.

At request and with the consent of learned counsel for the appellant, appeal is taken up for hearing today itself.

Application is, accordingly, disposed of.

R.S.A No. 1848 of 1992(O&M)

This appeal has been preferred by the appellant-plaintiff, challenging judgment and decree dated 08.05.1992, passed by the learned Additional District Judge, Jalandhar, whereby appeal of the respondent-Committee, has been accepted and judgment and decree 12.04.1989, passed by the learned Sub Judge Ist Class, Nakodar, has been set aside.

Brief facts necessary for adjudication of the matter are that the suit filed by the appellant – plaintiff seeking recovery of Rs. 804.70P i.e., the price of 4 crates (petties) Tomato as per Form I no.1573 dated 21.1.88 and one Nag Chillies weighing 48 kg and one Nag Bitter Gourd (karela), issued under the Punjab Agricultural Produce Markets Act, 1961, was decreed. Appeal filed by the respondent – Committee was allowed and judgment and decree 12.04.1989, passed by the learned Sub Judge Ist Class, Nakodar was set aside. Aggrieved therefrom, present appeal has been filed.

Learned counsel for the appellant is unable to deny that at the time of filing of this appeal in the year 1992, Regular Second Appeal for a claim less than Rs.3,000/- was not maintainable. The amount claimed in this appeal is admittedly Rs. 804.70p, without any component of interest etc.

Accordingly, present appeal is dismissed.

January 20, 2023
rts

(LISA GILL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No