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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1466-1994 (O&M)
Date of Decision :13.08.2024

Mangal RamAppellant

Versus

Amarjit SinghRespondent

CORAM: HON’BLE MR. JUSTICE PANKAJ JAIN

Present : None for the appellant.

Ms. Aparna Singhal, Advocate
for the respondent.

PANKAJ JAIN, J. (ORAL)

Plaintiff is in second appeal.

2. For convenience, the parties herein after are referred to by their original position in the suit i.e. the appellant as plaintiff and the respondent as defendant.
3. Plaintiff filed a suit for recovery of Rs.5300/- i.e. Rs.4000/- as principal and Rs.1300/- as interest thereon. It was claimed by the plaintiff that the defendant borrowed a sum of Rs.4,000/- from him with the promise to repay with interest @ 2.50% per month. In consideration thereof, even dated pronote and receipt were executed in favour of the plaintiff by the



defendant. However, on demand, the defendant utterly refused to repay the principal amount as well as interest thereof.

4. Suit was resisted by the defendant. It was pleaded that the defendant had sold his agriculture produce at the agency of the plaintiff and sale proceeds to the tune of Rs.5500/- were left as deposit with the plaintiff. On 23.07.1985 again a sum of Rs.1,000/- was deposited in cash with the plaintiff-firm. Thus, amount, if any, outstanding against the defendant, is liable to be adjusted against the said amount. He further denied execution of pronote and receipt in favour of the plaintiff and pleaded that the suit deserves to be dismissed.

5. On the basis of the pleadings of the parties, following issues were framed by the Trial Court:

1. Whether the defendant has executed pronote and receipt dated 15.12.1984 in favour of the plaintiff? OPP.
2. If issue No.1 is proved, whether the pronote receipt are without consideration? OPD.
3. Whether the plaintiff is entitled to the interest? If so to what amount? OPP.
4. Relief.

6. The parties to the suit adduced oral as well as documentary evidence in support of their pleadings and to discharge their respective onus as per the issues, *ibid*.

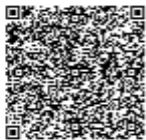
7. On appraisal of evidence vis-à-vis pleadings, the Trial Court decided all issues in favour of plaintiff and decreed the suit.



8. Aggrieved, the defendant preferred first appeal. The lower Appellate Court accepted the appeal and set aside the judgment and decree passed by the Trial Court. Appellate Court specifically returned the finding that admittedly the amount of Rs.5549.54/- is lying with the plaintiff since 18th of May, 1985. Defendant is also entitled to the interest thereon. In case, the interest is added thereon, the amount would be much more than the decretal amount of Rs.5300/-. Thus, by adjusting the amount against the suit amount, nothing would remain payable to the plaintiff.

9. It is a matter involving only Rs.5300/- and the appeal is pending for the last 30 years, the present appeal is not maintainable in view of the law laid down by Supreme Court in **Nagarpalika Thakurdwara vs. Khalil Ahmed and others, 2016(4) R.C.R. (Civil) 615**. As per **NagarpalikaThakurdwara's case (supra)**, once the recovery of money not exceeding Rs.25,000/- in the original suit, no second appeal would lie and Section 102 C.P.C. would apply in such cases. Further the Supreme Court held that the purpose behind enactment of Section 102 C.P.C. is to reduce the quantum of litigation so that Courts may not have to waste time where the stakes are very meagre and not to much consequence.

10. Counsel for the defendant has not been able to cite any contrary judgment.



- 11. Resultantly, the present appeal is dismissed without any costs.
- 12. Pending application(s), if any, shall also stand disposed off.

August 13, 2024
Dpr

(PANKAJ JAIN)
JUDGE

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