



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

205

RSA-2319-1996 (O&M)
Date of decision : 10.05.2024

Punjab Small Industries and Export Corporation Ltd.Appellant

V/S

Hari MittarRespondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sanjeev Sharma, Advocate for the appellant.

Mr. A.S. Gill, Advocate for the respondents.

NAMIT KUMAR, J. (ORAL)

1. The appellant/defendant has filed the instant appeal against judgment and decree dated 07.04.1992, passed by learned Sub Judge Ist Class, Phillaur, whereby a suit for permanent injunction filed by the respondent/plaintiff was decreed and judgment and decreed dated 24.08.1995, passed by learned Additional District Judge, Jalandhar, whereby an appeal filed by the appellant/defendant against judgment and decree dated 07.04.1992 was dismissed.

2. Brief facts of the case are that the respondent/plaintiff filed a suit for permanent injunction restraining the appellant/defendant from recovering Rs.17,505.13/- by way of deductions from his salary @ of Rs.500/- per month on the basis of order dated 23.06.1988. The recovery was stayed by the learned trial Court and thereafter, the suit was decreed vide judgment and decree dated 07.04.1992. Against the said judgment and decree dated 07.04.1992, the appellant/defendant



filed an appeal which was dismissed by the learned lower Appellate Court vide judgment and decree dated 24.08.1995. Aggrieved against the judgments and decrees passed by the learned trial Court and learned lower Appellate Court, the appellant/defendant has filed the instant appeal. However, there is no interim order of stay of the judgments and decrees passed by the Courts below

3. Learned counsel for the appellant submits that during the pendency of the present appeal, the respondent/plaintiff has retired from service on 31.08.2008 and all the retiral benefits have already been released to him and thereafter, he had died on 09.11.2023.

4. In view of the above, nothing survives in the present appeal. Even otherwise, Section 102 of CPC provides that 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.

5. Consequently, the instant appeal is disposed of as having become infructuous.

6. Pending application, if any, shall stands disposed of accordingly

10.05.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No