

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-3454-1997 (O&M)
Date of decision : 01.04.2024

Harbhajan Singh & Ors. ... Appellant(s)
Versus
State Of Punjab & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sunil Chadha, Senior Advocate with
Mr. Saurav Kanojia, Advocate for the appellants.

Mr. B.S. Bali, Addl. AG Punjab
for respondent Nos.1 and 2.

ALKA SARIN, J. (ORAL)

IOIN-RSA-3454-1997

1. The present IOIN has been put up for service of respondent Nos.3 to 5.
2. Learned counsel for the parties state that the main appeal may be heard today itself.
3. In view of the above, with the consent of the learned counsel for the parties, the main appeal is taken on Board today itself. IOIN stands disposed off.

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4. The present regular second appeal has been preferred by the plaintiff-appellants challenging the judgment and decree dated 27.09.1996 passed by the First Appellate Court.

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5. The original suit was filed for recovery of Rs.2,200/- which was decreed by the Trial Court vide the judgment and decree dated 14.01.1994. Aggrieved by the same, the respondents preferred an appeal before the First Appellate Court which was allowed vide judgment and decree dated 27.09.1996. Hence, the present regular second appeal.

6. Section 102 of the Code of Civil Procedure, 1908, as it stood in 1997 reads as under :

“102. No second appeal in certain suits : No second appeal shall lie in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject matter of the original suit does not exceed three thousand rupees.”

7. The pecuniary subject matter of the suit indisputably does not exceed rupees three thousand and hence in view of the provisions of Section 102 of the Code of Civil Procedure, 1908, as it stood at the relevant time, no second appeal would be maintainable. Even under the amended Section 102 CPC, no second appeal would be maintainable.

8. In view of the above, the present appeal is accordingly dismissed. Pending applications, if any, also stand disposed off.

01.04.2024

Yogesh Sharma

(ALKA SARIN)

JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO