

2024:PHHC:097641



[234] IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

RSA-2050-2000 with  
IOIN-RSA-2050-2000

Date of Decision : 31.07.2024

Faridabad Complex Administration, now  
Municipal Corporation, Faridabad ...Appellant

versus

Battan and others ....Respondents

Coram : HON’BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. R.D. Bawa, Advocate with Mr. Samuel Gill, Advocate  
for the appellant.  
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PANKAJ JAIN, J. (ORAL)

Defendant is in appeal. For convenience, the parties are being referred to by their original position in the suit i.e. the appellant as defendant and the respondent No.1 as plaintiff.

2. Plaintiff filed a suit for recovery of damage of Rs.30,000/- on the ground that his two buffaloes died on account of electrocution. It was stated that the plaintiff had purchased the buffaloes for Rs.14,000 & Rs.16,000/- respectively and was bringing up his family by selling the milk. On 17.08.1992 at 06.00 a.m., the plaintiff was taking his both buffaloes to the near by Sector 14, Faridabad and there was an electric line in front of gate No.3 of Escorts Plant-III, Faridabad. One of the electric pole of that line was lying broken and one electric conductor was lying on the earth with live current. As soon as both the buffaloes reached in front of gate No.3,



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they came in contact with the live wire and got the electric shock and died on the spot.

2.1. In the written statement, defendant stated that no liability of any kind attributes to the defendant and no such complaint regarding broken wire was ever moved by the plaintiff.

2.2. Based on the rival pleadings, following issues were framed by the Trial Court:-

- “ 1. *Whether the plaintiffs buffaloes died on 17.08.1992 by electric current on account of negligence of the defendants? OPP*
2. *If issue No.1 is prove whether plaintiff is entitled to be compensated to the tune of Rs.30,000/- by the defendant? OPP.*
3. *Whether the plaintiff was also liable for contributory negligence if so, its effect? OPP*
4. *Whether the suit is not maintainable? OPD.*
5. *Whether the suit is bad for mis-joinder of necessary party? OPD.*
6. *Whether the plaintiff has no cause of action against the defendants? OPD.*
7. *Whether the suit is barred under the limitation? OPD.*
8. *Whether the plaintiff is estopped from filing the suit? OPD.*
9. *Relief. ”*

2.3. 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.*



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2.4. On appraisal of evidence vis-à-vis pleadings, the Trial Court decided all issues in favour of plaintiff and allowed the suit and a decree for Rs.20,000/- on account of damage compensation for the loss suffered by the plaintiff from the defendant.

3. Aggrieved, defendant preferred first appeal, which stands dismissed by the Additional District Judge, Faridabad, upholding the findings of Trial Court.

4. At the outset, it needs to be observed that 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 which once the recovery of money not exceeding Rs.25,000/- in the original suit, no second appeal would lie in terms of Section 102 C.P.C. 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 meager and not of much consequence. In the present appeal, now the stake involved is only limited to Rs.20,000/- as the plaintiff has not filed any appeal seeking enhancement. Thus, in considered view of this Court, present appeal would also be covered within the ambit of Section 102 of CPC.

5. Counsel for the plaintiff/appellant has not been able to cite any contrary judgment.

6. Resultantly, the present appeal is dismissed without any costs.

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7. Pending application(s), if any, shall also stand disposed off.

**(PANKAJ JAIN)**  
**JUDGE**

31.07.2024  
'R. Sharma'

|                                   |   |               |
|-----------------------------------|---|---------------|
| <i>Whether speaking/ reasoned</i> | : | <i>Yes/No</i> |
| <i>Whether reportable</i>         | : | <i>Yes/No</i> |