

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

RSA-4-1999 (O&M)
Date of decision: 11.03.2024

Tejinder Singh and anotherAppellants

Versus

Punjab Tractors LimitedRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. D.V. Sharma, Senior Advocate with
Ms. Shivani Sharma, Advocate for the appellants.

None for the respondent.

NAMIT KUMAR J. (Oral)

1. The appellants have filed the instant appeal against judgment and decree dated 17.01.1995 passed by learned Addl. Senior Sub Judge, Kharar and judgment and decree dated 25.09.1998 passed by learned Additional District Judge, Ropar.

2. Brief facts of the case are that the respondent-company filed a suit for recovery of Rs.14,829/- against the appellants/defendants which was decreed by learned Addl. Senior Sub Judge, Kharar vide judgment and decree dated 17.01.1995 in favour of the respondent/plaintiff along with 6% interest on the principal amount from the date of filing of the suit till realisation of the decretal amount. The said judgment and decree was challenged by the appellants/defendants in Civil Appeal No.RT167/1995 which was partly allowed by learned Additional District Judge, Ropar vide judgment and decree dated 25.09.1998 and judgment and decree dated 17.01.1995

passed by the trial Court was modified to the extent that the suit of the

respondent-company for recovery of Rs.10,000/- is decreed with costs along with interest @ 6% per annum from the date of filing of the suit till realisation of the decretal amount. The said judgments and decrees were challenged by the appellants/plaintiffs in the instant regular second appeal.

3. Learned counsel for the appellants submits that during the pendency of the present appeal, appellant No.2 has unfortunately died.

4. I have heard learned counsel for the appellants and perused the relevant record.

4. The instant appeal was admitted on 31.03.1999 and there is no interim order of stay of the judgment and decrees passed by the Courts below. Even otherwise, the recovery suit filed by the respondent-company was only for Rs.14,829/- which has finally been modified by the lower Appellate Court to Rs.10,000/- along with interest @ 6% per annum. 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. In view of the above, the present appeal is disposed of accordingly.

6. Applications pending, if any, shall stands disposed of accordingly.

11.03.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No