



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1198-2007 (O&M)
Decided on: 20.05.2026

STATE OF HARYANA AND ORS.

..Appellants

Versus

O.P. KHANNA (SINCE DECEASED) THROUGH LRS.

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Harish Nain, AAG, Haryana.

Mr. Ankur Mittal, Sr. Advocate (*Amicus Curiae*)
with Ms. Kushaldeep Kaur, Advocate
Ms. Jasmine Garg, Advocate for respondent.

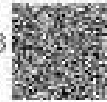
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SUDEEPTI SHARMA, J.

1. The present appeal is preferred against judgment and decree dated 01.02.2007 passed by learned District Judge, Rohtak, whereby, appeal filed by respondent against judgment and decree dated 03.08.2006 passed by learned Civil Judge (Junior Division), Rohtak, was allowed.

2. Since no one was putting appearance on behalf of respondent in the present case, this Court appointed Mr. Ankul Mittal, Senior Advocate, as *Amicus Curiae* to assist this Court.

3. The civil suit was filed for T.A. bills to the tune of Rs.7,299/- along with interest at the rate of 24%. The same was dismissed vide judgment and decree dated 03.08.2006 passed by learned Civil Judge, Junior Division, Rohtak. The respondent filed appeal against the same, which was



allowed vide judgment and decree dated 01.02.2007 passed by learned District Judge, Rohtak. Hence, the present appeal.

4. Learned counsel for the appellant contends that learned First Appellate Court could not entertain the appeal filed by respondent since the amount involved in the appeal was less than Rs.10,000/-. And as per Section 96(4) of Code of Civil Procedure, 1908 (in short 'CPC'), no appeal shall lie where the amount involved in the original suit does not exceed Rs.10,000/-. He, therefore, prays that the present appeal be allowed and judgment and decree dated 01.02.2007 passed by learned District Judge, Rohtak, be set aside.

5. Per contra, learned *Amicus Curiae* appearing for respondent contends that the ground now taken by the appellant was nowhere taken before the learned First Appellate Court.

6. He further contends that Section 96(4) of CPC carves out an exception on a question of law even in case where amount is less than Rs.10,000/-.

7. He further contends that as per Section 102 of CPC no second appeal shall lie from any decree, when the subject matter of the original suit is less than Rs.25,000/- and in the present case, the amount involved is less than Rs.25,000/-, therefore, the present regular second appeal would not be maintainable and deserves to be dismissed.

8. In support of his contention, he relies upon the following judgments:-

i. Haryana Dairy Development Cooperative Federation Limited Vs. Jagdish Lal, 2014(1) SCC (L&S) 487;



ii. Gurudawara Singh Sabha Vs. Uttar Haryana Bijli Vitran Nigam Ltd. and anoter, RSA-4972-2012, decided on 21.05.2014; and,

iii. M/s Ganga Bishan and another Vs. Rajinder Kumar and another, RSA-1292-1989, decided on 29.07.2015.

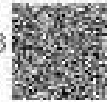
9. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

10. A perusal of the record shows that T.A. bills were withheld by the office of the appellants due to non-availability of funds/budget, and the claim of excess of local mileage/kilometer was referred to the Director, Industries, Haryana, for clarification/guidance, and objections were raised by the treasury, which were duly informed to the respondent.

11. A perusal of the record shows that the civil suit was filed for an amount of Rs.7,299/-, which was dismissed vide judgment and decree dated 03.08.2006 passed by learned Civil Judge (Junior Division), Rohtak. Thereafter, respondent filed appeal against the same, which was allowed vide judgment and decree dated 01.02.2007 by learned District Judge, Rohtak. The claim in the civil suit was regarding T.A. bills for the period from December 1999 to April 2002 on various dates, which was withheld by the appellants.

12. The only question involved in the present case are as under:

i. whether the second appeal before this court would lie when the amount involved in the original suit does not exceed Rs. 25,000?



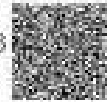
13. Now coming to the judgments referred to by learned *Amicus Curiae*, the Hon'ble Supreme Court in **Jagdish Lal's case (supra)** has held as under:-

"1. In spite of the fact that the Parliament has amended the Code of Civil Procedure, 1908 altering the provisions of Section 102 CPC providing that money recovery suit involving less than L 25,000/- shall not be entertained in Second Appeal, we are being burdened with cases where the litigation cost may be hundred times more than the amount involved. It has become the definite attitude of the officials not to take any responsibility even for petty issues and would waste public money approaching this Court. Government departments would spend any amount on litigation instead of paying petty amount to the other party. In the instant case, an amount of L 8,724/- is to be paid to the respondent employee as reimbursement of his medical claim and the petitioner Haryana Dairy Development Cooperative Federation Limited treating the litigation as luxury must have spent the amount already by filing this petition more than the total amount involved herein.

2. Many a time this Court has felt unhappy about the time of the Court being taken for days together by petty matters. (The Constitution Bench judgment Sukhdev Singh, Oil & Natural Gas Commission, Life Insurance Corporation, Industrial Finance Corporation Employees Associations v. Bhagat Ram, Association of Class II, Officers, Shyam Lal, Industrial Finance Corporation, AIR 1975 Supreme Court 1331).

2A. In Kandra Pahadiya and Others v. State of Bihar, 1997(2) RCR (Criminal) 541 : 1997(2) S.C.T. 650, this Court observed that if the load of such petty cases is taken out of the regular Courts, those Courts would have time to deal with more serious crimes rather than have their time consumed by such petty cases.

3. The Law Commission of India in its 155th report has observed that what further agitates is the number of pending litigations relating to trivial matters or petty claims, some of which has been hanging for more than fifteen years. It hardly needs mention that in many such cases money spent on litigation is far in excess of the



stakes involved, besides wasting valuable time and energy of the concerned parties as well as the Court.

4. We direct that the expenses of the litigation shall be incurred by the Managing Director personally who has signed affidavit in support of the petition and it shall not be taken from the Federation. A copy of the order be sent to the learned Chief Secretary of the State of Haryana as well as to the Managing Director.

*5. The special leave petition is dismissed. **In view of the above, question** of law, if any is kept open.*

Petition dismissed.”

14. In RSA-4972-2012 and RSA-1292-1989, this Court while keeping in view the meager amount involved in the civil suit by relying upon the provisions of Section 102 of CPC did not interfere and dismissed the appeals.

15. In view of the above, the present appeal is hereby dismissed as not maintainable.

16. Pending miscellaneous applications, if any, are also disposed of.

17. Before parting, this Court extends its sincere appreciation for the valuable assistance rendered by the learned *Amicus Curiae* in the matter pertaining to the year 2007. The diligent efforts and able assistance extended by the learned *Amicus Curiae* have greatly aided the Court in the effective adjudication of the issue involved in the present regular second appeal, which is 19 years old.

20.05.2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*