



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

**RSA-2497-2010 (O&M)
Decided on: 29.05.2026**

Balwinder Kaur

..Appellant

Versus

State of Punjab and ors.

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Parveen Kumar Garg, Advocate
for the appellant.

Mr. Ravneet Singh Joshi, DAG, Punjab.

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SUDEEPTI SHARMA, J.

1. The present appeal is preferred against judgment and decree dated 02.05.2009 passed by learned Addl. Civil Judge (Sr. Division), Mansa, as well as judgment and decree dated 04.05.2010 passed by learned Additional District Judge, Mansa, whereby, civil suit as well as appeal filed by the appellant was dismissed respectively.

2. The civil suit was filed challenging the recovery order for recovery of Rs.18314/-. The same was dismissed, vide judgment and decree dated 02.05.2009 passed by learned Addl. Civil Judge (Sr. Division), Mansa. She filed appeal against the same, which was also dismissed vide judgment and decree dated 04.05.2010 passed by learned Additional District Judge, Mansa. Hence, the present appeal.

3. As per Section 102 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.25,000/-.



4. The issue raised in the present RSA has already dealt by this Court in ***RSA No. 1198-2007 titled as State of Haryana and others vs. O.P. Khanna (since deceased) through LR's , decided on 20.05.2026*** wherein it was held as under:-

“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 **Kadra 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.

6. In view of the above referred to judgment, the present appeal is dismissed as not maintainable.

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

29.05.2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*