



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

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Regular Second Appeal No.1620 of 1992 (O & M)

Date of decision :-03.05.2025**Balbir Singh****.....Appellant****Versus****Oriental Bank of Commerce****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Appellant Balbir Singh in person.

Mr. Gaurav Goel, Advocate for the respondent.

NIDHI GUPTA J. (Oral)

The appellant has filed the present appeal against the concurrent findings of the learned Courts below whereby the suit filed by the respondent/plaintiff for recovery of Rs.10,735/- from the appellant/defendants was decreed vide judgment and decree dated 18.1.1992 passed by the learned Additional Senior Sub Judge, Gidderbaha and the respondent/plaintiff was permitted to recover an amount of Rs.735/- with proportionate costs from the appellant/defendants. Against the said judgment and decree the appellant herein filed first appeal before the learned lower Appellate Court, which vide judgment and decree dated 11.5.1992 was dismissed.

On the last date of hearing i.e. 21.4.2025, the following order was passed by this Court :-

“Order sheet shows that matter has been adjourned at request of learned counsel for the respondent on last three dates i.e. 22.11.2024, 09.12.2024 and 27.2.2025. Today, yet again, request



for adjournment has been made by learned counsel for the respondent.

The request is allowed, however, subject to payment of costs of Rs.2000/- to be paid by the respondent to the appellant Balbir Singh within one week from today.

Adjourned to 03.5.2025.”

In compliance of the said order dated 21.4.2025, learned counsel for the respondent has handed over a Demand Draft bearing No.190997 dated 24.04.2025 amounting to Rs.2000/- in favour of appellant Balbir Singh in the Court today, which is handed over to the appellant, who is present in person.

Keeping in view the fact that the present appeal pertains to the year 1992 and the only issue of recovery of Rs.735/- with proportionate costs from the appellant (vide judgment and decree dated 18.1.1992 passed by the learned Additional Senior Sub Judge, Gidderbaha) is involved, which has been challenged vide the present regular second appeal by the appellant; and the appellant has been paid Rs.2000/- (Demand Draft bearing No.190997 dated 24.04.2025) in the shape of costs imposed upon the respondents vide order dated 21.4.2025, the appellant submits that he does not want to press the present appeal and the same may be disposed of as such.

In any event, second appeal is not maintainable in view of the judgment of Hon'ble Supreme Court in ***Nagarpalika Thakurdwara vs. Khalil Ahmed and others 2016(4) RCR (Civil) 615 #Law Finder Doc ID #793552*** wherein it has been held that so as to avail advantage of the provisions of Section 102 of the CPC, the subject matter of the original suit should be *only recovery of money* and that too, not exceeding Rs.25,000/-. If the subject matter of the suit is anything other than recovery of money or



something more than recovery of money, provisions of Section 102 of CPC cannot be invoked.

Dismissed as not pressed.

Pending application(s), if any, shall stands disposed of.

May 03, 2025
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No