



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**234**

1. RSA-3744-2001 (O&M)

M/s Suraj Bhan Om Parkash Bansal

... Appellant

Versus

Manager, The Haryana Ware-Housing Corporation and others

... Respondents

2. RSA-3787-2001 (O&M)

Manager, The Haryana Ware-Housing Corporation and others

... Appellants

Versus

M/s Suraj Bhan Om Parkash Bansal

... Respondent

**Date of Decision: 19.08.2025**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - None for the appellant (in RSA-3744-2001) and  
for the respondent (in RSA-3787-2001).

Mr. DS Rawat, Advocate for  
for the appellants (in RSA-3787-2001) and  
for the respondents (in RSA-3744-2001).

**NIDHI GUPTA, J. (ORAL)**

1. By this common order, two aforementioned cross appeals are being disposed of being arisen out of the same judgments and decrees of both the Courts below. For brevity, the facts are being extracted from RSA-3744-2001.



2. The appellant-plaintiff is in second appeal against the judgment and decree dated 15.06.2001, passed by the learned District Judge, Sirsa, vide which the appeal filed by plaintiff/appellant (in RSA-3744-2001) was accepted thereby reversing the dismissal of the suit of the plaintiff vide judgment and decree dated 15.9.1999, passed by the learned Civil Judge (Junior Division), Sirsa.

3. The parties shall hereinafter be referred to as per their status before the learned trial Court i.e. the appellant is being referred to as 'the plaintiff', whereas the respondents as 'the defendants'.

4. Brief facts of the case are that the plaintiff had filed a suit for recovery of ₹20,494.57P including principal amount + interest calculated up to 31.08.1995 (₹16,724.60P as principal amount and ₹3769.97 P as interest). The learned trial Court vide judgment and decree dated 15.09.1999 dismissed the suit of the plaintiff.

5. Feeling aggrieved, the plaintiff filed an appeal before the Ist Appellate Court. Vide judgment and decree dated 15.06.2001 passed by the learned District Judge, Sirsa, the appeal filed by the plaintiff was accepted by setting aside the findings of learned trial Court on issues No. 2 to 4 (as regards the principal amount only) and the defendants were directed to make payment of the principal amount of ₹16,724.60P within a period of 03 months from the date of judgment, failing which the plaintiff was held entitled to recover the principal amount along with interest @ 9% per annum from the date of suit till realization of the amount. Hence, the present Regular Second Appeal.



6. Perusal of the order-sheets reveals that both the appeals are of the year 2001 and on the last date of hearing there is no representation on behalf of the appellant-plaintiff (in RSA-3744-2001). Today again, the appellant-plaintiff (in RSA-3744-2001) has gone un-represented.

7. In view of the above and in the admitted facts and circumstances that the plaintiff had filed the suit for recovery of ₹20,494.57P only (₹16,724.60P as principal amount + ₹3769.97 P as interest), both the aforementioned cross appeals are not maintainable in terms of the judgment of the Hon'ble Supreme Court in *Nagarpalika Thakurdwara vs. Khalil Ahmed and others*, Law Finder Doc ID # 793552, wherein it has been held that '*no second appeal would lie from any decree when the subject matter of the original suit is for recovery of money not exceeding Rs.25,000/-. The purpose behind enactment of Section 102 CPC is to reduce quantum of litigation so that Courts may not have to waste time where the stakes are very meagre and not to much consequence*'.

8. Para 15 of the aforesaid judgment is also relevant, which reads as under:-

*"15. 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 the CPC cannot be invoked"*.

9. Learned counsel for the defendant-respondents (in RSA-3744-001) is unable to controvert this clear position in law. Accordingly,



both the present second appeals bearing RSA Nos. 3744 and 3787-2001 are hereby **dismissed**.

10. Pending application(s), if any, shall also stand disposed of.

11. A photocopy of this order be placed on the file of other connected case.

**19.08.2025**  
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**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned**                      **Yes/No**

**Whether Reportable**                              **Yes/No**