

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9619 OF 2004

(From the judgement and order dated 09/12/2003 in RSA No.2868/2000  
of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PUNJAB STATE COOP. MILK PROD.FED.LTD&ORS

Petitioner(s)

VERSUS

R.P. SONI

Respondent(s)

(With prayer for interim relief)

Date: 15/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

Mr. Sudhir Walia,Adv.

Mr. Rohit Parashar,Adv.

Mr. Mahinder Singh Dahiya,Adv.

For Respondent(s)

Ms. S. Janani,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties.

Leave granted.

The civil appeal is disposed of.

No costs.

[ T.I. Rajput ]

[ V.P. Tyagi ]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3703 OF 2005

(Arising out of S.L.P. (C) No.9619 of 2004)

Punjab State Coop. Milk Prod. Fed.

Ltd. & Ors.

...Appellant(s)

Versus

R.P. Soni

...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

Leave granted.

The second appeal filed under Section 100 of the Code of Civil Procedure,

1908, has been dismissed by the High Court on coming to the conclusion that no

question of law much less substantial question of law arises in the appeal.  
The

challenge in the suit was to the legality of the order dated 1st April, 1986, whereby on

account of the shortage of stock, according to the appellant, a sum of Rupees three

hundred per month was directed to be deducted from the salary of the respondent.

The suit was dismissed by the trial court but decreed in the first appeal. One of the

substantial questions of law before the courts was about limitation. We may only

point out that, according to the trial court, the recovery from the salary of the

respondent started from 1st April, 1986 and the suit for declaration filed on 5th

March, 1992, was barred by limitation since the

...2/-

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cause of action arose on 1st April, 1986. Since we propose to remand the second

appeal to the High Court, we express no opinion one way or the other on the question

of limitation or other questions, which may arise in the second appeal, except

observing that the second appeal ought to have been admitted after formulating the

requisite substantial question of law. It cannot be said, on the aforesaid facts, that no

question of law much less substantial question of law was involved.

For the aforesaid reasons, we set aside the impugned judgement and remit

R.S.A. No.2868 of 2000 for fresh decision of the High Court after formulating the

requisite question of law. The High Court is requested to expeditiously dispose of

the second appeal.

The civil appeal is, accordingly, disposed of.

No costs.

.....J.

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[Y.K. SABHARWAL]

.....J.

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[G.P. MATHUR]

New Delhi,

July 15, 2005.