

2025:PHHC:070851



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

RSA-13-2022 (O&M)

Date of Decision: 23.05.2025

UTTAR HARYANA BIJLI VITRAN NIGAM LTD. Appellant

VERSUS

PRAMILA DEVI (DECEASED) THR LRS. AND ANR Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.R. Mahajan, Senior Advocate with
Mr. Vishal Garg, Advocate for the appellant.

Mr. Vikram Singh, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. The defendant-appellant is in present Regular Second Appeal, challenging the judgment and decree passed by the First Appellate Court whereby the appeal filed by plaintiff-respondent No.1 was allowed, and the judgment and decree passed by the Trial Court in favour of the defendant-appellants was set aside and the suit of plaintiff-respondent No.1 was decreed.

2. At the outset, learned senior counsel for the defendant-appellant has submitted that the question of law involved in the present appeal as to whether jurisdiction of the Civil Court is barred in view of Section 145 of the Electricity Act, 2003, has since been decided by the Hon'ble Division Bench of this Court in RSA-4181-2016, titled as 'Mahesh Kumar Versus Sub Divisional Officer and Another' vide judgment dated 14.05.2025.

3. Learned counsel for plaintiff-respondent No.1 does not dispute this factual position.

4. In view thereof, the present appeal is allowed, and the suit filed by plaintiff-respondent No.1 stands dismissed on the ground of jurisdiction. However, plaintiff-respondent No.1 would have the liberty to avail the remedies as available in law.

5. It is made clear that any evidence recorded/observations made in the impugned judgments and decrees would not operate as res judicata in any subsequent proceedings initiated by plaintiff-respondent No.1. Pending applications, if any, also stands disposed off.

23.05.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No