



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

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**Regular Second Appeal No.1065 of 2021 (O & M)
Date of decision :-22.07.2025**

**S.D.O. (OP) Dakshini Haryana Bijli Vitran Nigam, Nagina, Tehsil
Nagina, District Nuh**

.....Appellant

Versus

Aas Mohammad

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Nikhil Chopra, Advocate
for the appellant.

None for the respondent.

NIDHI GUPTA J. (Oral)

1. The appellant/defendant has filed the present appeal against the concurrent findings of the learned Courts below whereby the suit filed by the respondent/plaintiff for declaration with mandatory and permanent injunction has been decreed.

2. At the very outset, learned counsel for the appellant submits 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 vs. Sub Divisional Officer and Another**' vide judgment dated 14.05.2025.



3. In view of the above, the present second appeal is **allowed**, and the suit filed by the respondent-plaintiff stands dismissed on the ground of jurisdiction. However, the respondent-plaintiff is at liberty to take recourse to the appropriate remedy as available, in accordance with law.

4. 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 the respondent-plaintiff.

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

July 22, 2025

Vijay Asija

(**NIDHI GUPTA**)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No