

2025:PHHC:071011



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

**RSA-927-2022 (O&M)
Date of Decision: 23.05.2025**

KRISHAN KUMAR ... Appellant

VERSUS

DHBVN ... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Khatkar, Advocate for the appellant.

Mr. B.R. Mahajan, Senior Advocate with
Mr. S.K. Mahajan, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

CM-3009-C-2022

1. This is an application for condonation of delay of 113 days in refiling the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 113 days in refiling the main appeal is condoned.

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3. The plaintiff-appellant is in present Regular Second Appeal, challenging the judgment and decree passed by the First Appellate Court whereby the appeal filed by the defendant-respondent was allowed; the judgment and decree of the Trial Court was set aside, and the suit filed by the plaintiff-appellant was dismissed.

4. 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 No. 4181 of 2016, titled as "Mahesh Kumar Versus Sub Divisional Officer and Another" vide Judgment dated 14.05.2025.

5. Faced with the same, learned counsel for the plaintiff-appellant seeks permission to withdraw the present appeal as well as his civil suit itself with liberty to avail the remedies as available in law.

6. Dismissed as withdrawn with liberty aforesaid.

7. 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 plaintiff-appellant. 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