

2025:PHHC:070876



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

**RSA-4557-2019 (O&M)
Date of Decision: 23.05.2025**

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD ... Appellant

VERSUS

BHURMAL ... Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.R. Mahajan, Senior Advocate with
Mr. S.K. Mahajan, Advocate for the appellant.

None for the respondent despite service.

ALKA SARIN, J. (ORAL)

CM-12898-C-2019

1. This is an application for condonation of delay of 147 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 147 days in filing the main appeal is condoned.

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3. The defendant-appellant is in present Regular Second Appeal, challenging the judgment and decree passed by the First Appellate Court whereby its appeal was dismissed, and the judgment and decree passed by the Trial Court in favour of the plaintiff-respondent was affirmed.

4. 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.

5. As per the Office report, the respondent stands duly served. However, none has put in appearance on his behalf today despite service.

6. In view thereof, the present appeal is allowed, and the suit filed by the plaintiff-respondent stands dismissed on the ground of jurisdiction. However, the plaintiff-respondent would have the liberty to avail the remedies as available in law.

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-respondent. 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