

2025:PHHC:070959



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

**RSA-1779-2022 (O&M)  
Date of Decision: 23.05.2025**

EXECUTIVE ENGINEER, SUB URBAN DIVISION No.1  
UHBVNL AND ANR ... Appellants

VERSUS

DHARMENDER AND ANR ... Respondents

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

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

Mr. Sandeep Singa, Advocate for respondent No.1.

**ALKA SARIN, J. (ORAL)**

**CM-5967-C-2022**

1. This is an application for condonation of delay of 40 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 40 days in filing the main appeal is condoned.

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3. The defendant-appellants are in present Regular Second Appeal, challenging the judgment and decree passed by the First Appellate Court whereby their appeal was dismissed, and the judgment and decree passed by the Trial Court in favour of plaintiff-respondent No.1 was affirmed.

4. At the outset, learned senior counsel for the defendant-appellants 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. Learned counsel for plaintiff-respondent No.1 does not dispute this factual position.

6. 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.

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 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