

2025:PHHC:099291



221-15

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

**RSA-1548-2022 (O&M)
Date of Decision : 01.08.2025**

THE EXECUTIVE ENGINEER & ORS ... Appellants

Versus

NAND LAL AND ORS ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

None for the respondents despite service.

ALKA SARIN, J. (Oral)

CM-5778-C-2022

1. This is an application for condonation of delay of 69 days in refiling the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 69 days in refiling 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 appearing on behalf of 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. As per the Office report, the respondents stand duly served. However, none has put in appearance on their behalf despite service.

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.

01.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO