



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

115

Regular Second Appeal No.152 of 2024 (O & M)

Date of decision :-10.07.2025

Dakshin Haryana Bijli Vitran Nigam and another

.....Appellants

Versus

Ram Kumar

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Surinder K. Mahajan, Advocate
for the appellants.

NIDHI GUPTA J. (Oral)

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

2. At the very outset, learned counsel for the appellants 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 10, 2025

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No