

**221-39****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA-2717-2023 (O&M)****Date of Decision : 01.08.2025**

EXECUTIVE ENGINEER OPERATION DIV DHBVN & ANR. ... Appellant(s)

Versus

HAWA SINGH & ANR. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

None for the respondent No.1.

ALKA SARIN, J. (Oral)**CM-9311-C-2023**

1. For the reasons stated in the application, the same is allowed.

The delay in filing the present appeal is condoned.

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2. The defendant-appellants are in the present Regular Second Appeal, challenging the judgment and decree passed by the First Appellate Court whereby appeal filed by the plaintiff-respondent No.1 was allowed and the judgment and decree passed by the Trial Court dismissing his suit has been reversed.

3. At the outset, learned 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 & Anr.” vide judgment dated 14.05.2025.

4. None has put in appearance on behalf of the contesting respondent No.1.

5. In view thereof, the present appeal is allowed, and the suit filed by the plaintiff-respondent No.1 stands dismissed on the ground of jurisdiction. However, the plaintiff-respondent No.1 would have the liberty to avail the remedies as available in law.

6. 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 No.1. Pending applications, if any, also stand disposed off.

01.08.2025
jk

(**ALKA SARIN**)
JUDGE

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