

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

RSA No.3160 of 2012 (O&M)

Date of decision: 04.09.2015

D.H.B.V.N. HISAR AND ORS

..... Appellant

versus

JITENDER KUMAR

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Mr.K.S.Malik, Advocate for the appellants

1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest?

Kuldeep Singh, J. (Oral)

Impugned in the present regular second appeal is the judgment and decree dated 14.6.2008, passed by the learned Civil Judge, Junior Division, Hisar, vide which suit of the plaintiff / respondent was partly decreed to the effect that the defendants/ appellants were directed to prepare the fresh bill strictly in accordance with the provisions of circular No.31/98 after deducting the amount awarded by the DCDRF and amount decreed by the Court of ADJ on 12.12.2005. Also challenged is the judgment and decree dated 26.3.2012, passed by the learned Additional District Judge, Hisar, vide which, appeal filed by the plaintiff/ respondent was accepted, the appeal filed by the defendants/ appellants was dismissed, the suit of the plaintiff was decreed in toto and it was held that the demand of Rs.10,93,306/-, raised by the defendants is illegal

and that they are not entitled to recover the same from the plaintiff.

The perusal of the judgments of both the Courts below show that it was a case of alleged theft of electricity. Both the Courts below have gone into the findings of facts to find out whether such theft is proved or not. Therefore only questions of facts were involved which have been determined by both the Courts below. No question of law much less the substantial question of law arises. Therefore, the appeal is dismissed.

In view of disposal of the appeal, all the pending applications also stand disposed of.

04.09.2015

gk

(Kuldip Singh)
Judge