

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

**RSA No.4560 of 2013 (O&M)
Date of decision: 19.01.2015**

Raj Kumar

... Appellant

Vs.

Punjab State Power Corporation Ltd. & another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- None.

AMIT RAWAL J. (Oral)

This regular second appeal is directed at the instance of appellant-defendants whereby the suit for recovery of ₹ 50,270/- along with interest @ 6% per annum on account of defaulting amount outstanding towards defendants from the date of filing of present suit till realization of decretal amount has been decreed.

It has been pleaded in the grounds of appeal that suit of the plaintiff-respondent No.1 was ex facie time barred and the lower Appellate Court erroneously rejected the plea of appellant-defendant in leading the additional evidence i.e. judgment dated 28.02.2011 passed in civil suit No.62 of 8.6.2004.

I have gone through the judgments and decrees of the Courts below. It is a matter of record that appellant-defendant was

found using electricity connection meant for domestic purpose and the demand raised by the Electricity Board on 10.09.1997, was challenged by the defendant by way of civil suit i.e. civil suit No.187 of 12.09.1997 and the said civil suit was dismissed on 19.04.2001. Thereafter, the appeal filed against the judgment and decree was also dismissed.

In this Court, regular second appeal was filed by the defendant and the same was also dismissed on 5.03.2004, before dismissal of the regular second appeal, Electricity Board sent a notice dated 5.8.2003 to the defendant, whereby the demand of ₹50,270/- on account of arrears of electricity bill/defaulting amount, which was due from the defendant from 10.09.1997 to 31.03.2003, had been raised. The trial Court declined the objection of limitation of the defendant by holding that the suit had been filed within a period of limitation. After serving notice upon the defendant on 17.05.2004, the lower Appellate Court also dismissed the appeal as well as application for leading additional evidence filed by respondent/plaintiff on the ground that no reason much less cogent reason and sufficient evidence was led as to how and why the judgment and decree dated 28.02.2011 passed in Civil suit No.62 of 8.6.2004 was essential and necessary for adjudication of the appeal.

No fault can be found with the findings rendered by the Courts below.

No substantial question of law arises for adjudication of the present appeal.

Accordingly, the appeal is dismissed.

(AMIT RAWAL)
JUDGE

January 19, 2015
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