

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.681 of 2013 (O&M)
Date of Decision.24.08.2015

Major Singh

.....Appellant

Versus

Punjab State Electricity Board, Patiala and others

.....Respondents

Present: Mr. Amit Arora, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

C.M. No.1853-C of 2013

For the reasons stated in the application, prayer for making good the deficiency of court fee is granted.

Application is allowed.

C.M. No.1854-C of 2013

For the reasons stated in the application, delay of 25 days in refiling the appeal is condoned.

Application is allowed.

RSA No.681 of 2013

1. The plaintiff sought for declaration that he is the owner of the tubewell connection by a contest coming from the 4th defendant who by virtue of same claimed that the plaintiff was trying to take advantage of the previous proceedings which he had initiated against defendant Nos.1 to 3 who are the electricity authorities. Through the earlier suit,

the 4th defendant had attempted to contend that certain charges levied by the Electricity Board were null and void and illegal and had obtained a decree in his favour. When the 4th defendant was, therefore, setting up his right to the electricity connection, it became essential for the defendant to prove that he was the owner of the electricity connection. The best method ought to have been with reference to the application details for grant of service connection and also proof of ownership of the land over which the installations had been done, for, normally an electricity connection would have been given only after they satisfied that the installations are sought to be made at the property that belonged to applicant. The plaintiffs did neither but were attempting to rely on an admission by defendant Nos.1 to 3 that connection had been given to the plaintiff.

2. I find, this is hardly sufficient especially when the defendants No.1 to 3 had already suffered decree at the hands of the 4th defendant. The trial Court and the Appellate Court were not, therefore, convinced on the plaintiff's claim and dismissed the suit. I find no scope for interference. The second appeal is dismissed as involving no substantial question of law for consideration.

(K. KANNAN)
JUDGE

August 24, 2015
Pankaj*