

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.1086 of 2014

Date of Decision: February 18, 2015

Raj Kumar

...Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd., Panchkula & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Vimal Singh, Advocate,
for Mr.Ravinder Malik (Ravi), Advocate,
for the appellant.

AMIT RAWAL, J. (Oral)

This is a Regular Second Appeal at the instance of the appellant-plaintiff against the judgments and decrees of both the Courts below, whereby the suit for declaration and permanent injunction has been dismissed on the ground that the Civil Court did not have jurisdiction by relying upon the provisions of Section 145 of the Electricity Act, 2003.

Mr.Vimal Singh, learned counsel appearing for the appellant-plaintiff prays that the appellant-plaintiff has wrongly availed the remedy before the trial Court and be permitted to withdraw the suit and appeal with permission to avail the alternative remedy under the Electricity Act.

The prayer of the learned counsel for the appellant-plaintiff is

fair and justified. Accordingly, the appellant-plaintiff is permitted to withdraw the Civil Suit bearing No.RBT 52 of 2012 and is permitted to avail the alternative remedy, if permissible under law.

It is made clear that in case the appellant-plaintiff avails the alternative remedy and moves an appropriate application seeking condonation of delay, the same shall be considered sympathetically.

In view of what has been observed above, the present appeal stands disposed of with the aforementioned terms as the suit was suffering from inherent defect.

February 18, 2015
ramesh

(AMIT RAWAL)
JUDGE