

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No. 5260 of 2014

Date of decision: 06.10.2015

Smt. Sanju Devi

....APPELLANT

VERSUS

Dakshini Haryana Vidhut Parsaran Nigam Limited, Mahendergarh & ors.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Mukesh Yadav, Advocate,
for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree dated 09.10.2013 passed by the Civil Judge (Junior Division) Mahendergarh, vide which the suit for injunction preferred by the appellant-plaintiff for restraining the defendants from disconnecting the electricity connection installed on her premises, stands dismissed and the appeal preferred by her stands dismissed on 26.05.2014 by the District Judge, Narnaul.

It is the contention of the learned counsel for the appellant that the Courts below have not rightly appreciated the evidence, which has been produced on record. He contends that the appellant-plaintiff had deposited the arrears of bill amounting to ₹ 28,677/-, which was outstanding against the name of Ram Kumar, father-in-law of the appellant-plaintiff, who had initially been issued electricity connection and along with the said amount,

the security amount of ₹ 2,000/- was also deposited for issuance of a fresh connection in her name. The said amount was deposited with Ram Avtar and thereafter, the new connection was issued in her name. The said connection having been legally issued by the respondents-Electricity Department by an employee of the department, the same could not be disconnected. He further contends that as per the departmental enquiry held against Ram Avtar-defendant No. 3, he has been found guilty of having issued the connection in the name of the appellant-plaintiff and once the department is itself accepting the fact that a new connection was issued in the name of the appellant-plaintiff, the injunction, as prayed for, could not have been declined by the Courts below.

Having considered the submissions made by the counsel for the appellant and on going through the judgments passed by the Courts below, the said contentions of the counsel cannot be accepted in the light of the fact that the appellant-plaintiff has failed to establish that the electricity connection was legally issued to her. There is no evidence on record which indicates that the arrears of ₹ 28,677/- and security amount of ₹ 2,000/- was deposited with the respondent-Electricity Department, Mahendergarh, as has been asserted. Unless it is established that the electricity connection was legally issued in the name of the appellant-plaintiff, the injunction, as prayed for, cannot be granted. The findings thus, recorded by the Courts below on this aspect cannot be faulted with.

There being concurrent findings recorded by the Courts below on the facts of the case, which have been found to be just and reasonable, there is no illegality in the impugned judgments passed by the Courts below.

Further, there is no substantial question of law in the present appeal, which

requires consideration of this Court.

In view of the above, finding no merit in the present appeal, the same stands dismissed.

October 06, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE