

210.

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

Civil Revision No.6508 of 2012

Date of decision:07.04.2016

Dhanda Breeding Farm (P) Limited

... Petitioner

versus

V.S. Breeding Farm and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Arti Bansal, Advocate,
for Mr. Vivek Goyal, Advocate,
for the petitioner.

Mr. Pardeep Singh Poonia, Advocate,
for respondent No.2.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The petitioner, who is a consumer of electricity from the Nigam, has a case to contend that the original installations had been made on self financing scheme and the second defendant who has sought for connection from the feeder exclusively drawn for the plaintiff shall not be permitted to use the electricity connection from the feeder granted to the plaintiff or in the alternative such permission ought not to be granted by the Nigam without allowing

for the expenses to be shared. The trial Court had granted the relief as sought for by the plaintiff but the appellate court set aside the same observing that the second defendant himself was not the second consumer and three other consumers had already joined with the plaintiff making it an industrial supply. The plaintiff himself had given an affidavit on 21.09.2011 that he will not claim any exclusive right and that further if at all, the plaintiff can establish such exclusive use or demand 50% of the cost of installations, it could be considered at the conclusion of trial of the suit. The appellate court also took notice of the fact that the second defendant had paid ₹3,90,000/- for the electrical installation with the Nigam and found that there was balance of conveyance to exist in favour of the second defendant to allow for the electrical supply to be given without in any way being fettered by the claims of the plaintiffs.

2. The lower appellate court has done what was appropriate and just under the circumstances and has left the matter open for an adjudication of whether the plaintiff will be entitled to seek for an equal contribution as for the expenses incurred to be decided at the time of trial.

3. There is no error for intervention for civil revision.
Civil revision is dismissed.

(K.KANNAN)
JUDGE

07.04.2016
sanjeev