

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

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RSA No. 178 of 2014 (O&M)

Date of Decision: September 16, 2016

SITA RAM

-APPELLANT

VS

**CHAIRMAN DAKSHINI HARYANA VIDYUT VITRAN NIGAM &
ORS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Amit Parashar, Advocate for
Mr.Rajneesh Chadwal, Advocate
for the appellant.

RAJ MOHAN SINGH, J. (ORAL)

Plaintiff is in second appeal in a suit for permanent injunction. Plaintiff sought restraint against the defendants on the ground that plaintiff had a tubewell connection for the last more than 20 years and he was paying the bills regularly. Since 18.02.2005, defendants were not receiving payment of electricity charges. Plaintiff always remained ready and willing to pay the same. There was 7.5 power house motor installed in the field for the purposes of irrigation. With this background, the suit came to be filed.

The suit was contested by the defendants on the ground that plaintiff was in arrears and he had not deposited the

same in the department. Electric connection was dis-connected on his persistent default in making good the electricity charges. The defendants denied factum of having received electricity charges as projected by the plaintiff. The alleged fact of re-installation/re-connection of electricity to the tubewell of the plaintiff was also denied.

On the pleadings of the parties and after framing of issues, both the parties led evidence.

In order to succeed in the suit, plaintiff was required to prove that electricity connection was subsisting and was in operation at the time of filing of the suit. Except self-serving statement and payment of electricity dues, plaintiff has failed to lead any substantive evidence to prove that the electricity connection was ever restored to the premises. The statement of PW2 Ram Avtar in respect of restoration of electricity connection was only a hear say evidence and was based on facts told to him by the plaintiff. The witness could not prove the name of Sub Divisional Officer who had asked for money from the plaintiff and had also denied contents of the affidavit Ex.PW2/A which was tendered in his examination-in-chief. Mere execution of receipts Ex.P1 to P6 and mark PA in respect of restoration of energy could not prove factum of restoration of the electricity connection to the premises of the plaintiff.

Both the Courts have concurrently appreciated the facts on record in dismissing the suit. No re-appreciation of evidence can be done in second appeal particularly when no evidence of re-connection of electricity connection has come forth on record.

No substantial question of law is involved worth consideration of this Court.

Resultantly, the present appeal is dismissed.

(RAJ MOHAN SINGH)
JUDGE

September 16, 2016

Jyoti Y.

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No