

RSA No.4801 of 2015 (O&M)

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

RSA No.4801 of 2015 (O&M)

Date of decision:15.05.2018

Joginder Singh son of S.Ajit Singh

... Appellant

Vs.

Punjab State Power Corporation Limited and another ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Veneet Sharma, Advocate, for the appellant.

AMIT RAWAL J. (Oral)

The present Regular Second Appeal is directed against the judgment and decree dated 13.07.2015 rendered by the Lower Appellate Court, vide which the judgment and decree dated 18.09.2013 decreeing the suit at the instance of the appellant-plaintiff seeking declaration and mandatory injunction, has been reversed, in essence, the appeal has been allowed by dismissing the suit.

Mr. Veneet Sharma, learned counsel appearing on behalf of the appellant-plaintiff submits that plaintiff had been using the electricity connection since long and thereafter, it was closed. On enhancement of load, it was again bifurcated, thus, the cause of action arose to file the suit. The department did not have any record with regard to issuance of connection in favour of Joginder Singh son of Puran Singh, whereby, they have allegedly asked for deposit of sum of ₹7180/-which has been deposited, therefore, adverse inference was liable to be drawn against the defendants. The electricity connection was in the land of plaintiff. In view

of such fact, there is gross illegality and perversity in the findings rendered by the Lower Appellate Court.

I have heard the learned counsel for the appellant-plaintiff, appraised the judgments and decrees of the Courts below and of the view that there is no force and merit in the submissions of Mr. Sharma, for, a categoric stand of the Corporation in the written statement was that due to inadvertence, demand was raised upon the appellant-plaintiff, i.e., Joginder Singh son of Ajit Singh instead of Joginder Singh son of Puran Singh @ Puran Dass. Non-advertance of the record would not be fatal against the electricity board, for, the appellant-plaintiff has not been able to prove the consumption of electricity through out against the issuance of bills, much less payment thereon.

The findings of the Lower Appellate Court being the last Court of facts and law which are based upon the appreciation of oral and documentary evidence, much less arguments of Mr. Sharma, have not been able to bring the case within the expression illegality and perversity enabling this Court to form a different opinion than the one arrived at by Court below. No substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

Accordingly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

May 15, 2018

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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No