

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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[RSA-1363-2018](#)

[Date of decision : 27.3.2018](#)

NARINDER KUMAR

...APPELLANT

VERSUS

PUNJAB STATE POWER CORPORATION LTD

....RESPONDENT

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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

Harinder Singh Sidh, J. (Oral).

The appellant had filed a suit for quashing the notice dated 23.7.2015 raising demand of Rs.2,33891/- on account of alleged theft of electricity. Learned trial court decreed the suit and on appeal preferred by the respondent-Punjab State Power Corporation Ltd., learned lower appellate court upheld the contention of the respondent that civil court has no jurisdiction. However, it also proceeded to opine on the merits and dismissed the suit of the plaintiff on merits as well.

Learned counsel for the appellant contends that once it had been held the civil court did not have the jurisdiction to entertain and try the suit, then the plaint ought to have been returned to be presented before the appropriate Court as contemplated under Order 7, Rule 10 Civil Procedure Code.

In view of the above, this appeal is disposed of by observing that the plaintiff will be at liberty to approach the appropriate court for any remedy as may be available to him in accordance with law which would proceed to decide the case without being influenced by the findings of the learned lower appellate court.

Petition stands disposed of.

(Harinder Singh Sidhu)
Judge

27.03.2018

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