

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

**RSA No.5466 of 2017 (O&M)
Date of Order: 16.08.2018**

Vikram Singh

..Appellant

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Roopak Bansal, Advocate,
for the appellant.

ANIL KSHETARPAL, J(Oral)

C.M.Nos.14528-29-C-2017

Prayer in these applications is for condonation of delay of 85 days in filing and 113 days in re-filing the appeal.

For reasons mentioned in these applications, which is supported by an affidavit, the delay of 85 days in filing and 113 days in re-filing the appeal is condoned.

Applications are allowed.

MAIN

Plaintiff-appellant is in the regular second appeal against the judgment passed by the learned first appellate court.

The only dispute between the parties is with respect to an amount of Rs.47492/-. Plaintiff claim that officials of the State of Haryana and concerned Electricity Board damaged his trees in order to ensure uninterrupted supply of electricity. The suit was filed for recovery of Rs.87492/-.

Learned trial court decreed the suit with respect to Rs.80,000/-, whereas the first appellate court on re-appreciation of the evidence found that the plaintiff is only entitled to damages to the tune of Rs.40,000/- along with interest @ 9% per annum from the date of filing of the suit till actual disbursement.

Learned counsel for the appellant although made sincere attempt to persuade this court to take a different view, however, keeping in view the fact that the first appellate court has appreciated the evidence in correct perspective and learned counsel for the appellant could not point out any misreading, non-reading or mis-appreciation of any substantive evidence, this court does not find any good ground to interfere with the findings of fact arrived at by the first appellate court.

The regular second appeal is dismissed.

August 16, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No