

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

**RSA No.5773 of 2017 (O&M)
Date of decision:23.03.2018**

Puran Singh

... Appellant

Vs.

Punjab State Power Corporation Limited and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.K.Arya, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff is aggrieved of the judgments and decrees of both the Courts below, whereby, suit for declaration challenging Memo No.2287 dated 01.10.2012 calling upon him to join the enquiry as the connection issued under the Chairman Quota by the Electricity Board, i.e., respondent-defendants, on the basis of forged and fabricated document, had been dismissed by the trial Court and upheld by the Lower Appellate Court.

The plaintiff instead of appearing before the authorities concerned filed the suit aforementioned challenging the memo, ibid on the premise that in pursuance to the documents, electricity connection bearing Account No.AP-70-2191 was issued, much less pass book. The memo was

based upon the false information as the plaintiff had not submitted any forged and fabricated documents.

The suit was contested by the defendants and denied the entire averments made in the plaint and submitted that defendant no.6 has issued a notice bearing no.2287 dated 01.10.2012 and alleged that electric connection of the plaintiff was not a genuine one.

The trial Court on the basis of pleadings of the parties framed the following issues:-

- “1. Whether the plaintiff is entitled to get the relief of declaration as prayed for? OPP*
- 2. Whether the plaintiff is entitled to get the consequential relief of permanent injunction as prayed for? OPP*
- 3. Whether suit of the plaintiff is not maintainable? OPP*
- 4. Whether the plaintiff have no locus-standi to file the present suit? OPD*
- 4. Relief.”*

Both the parties in support of their case examined the witnesses. Bon the Courts below on the basis of evidence dismissed the suit on the ground that alleged connection was never issued to the plaintiff by the competent authority, i.e., defendant no.3 - Chief Engineer, Punjab State Power Corporation Limited.

Mr. R.K.Arya, learned counsel appearing on behalf of the appellant-plaintiff submitted that despite the application having been moved

under Order 11 Rule 14 CPC for production of the documents before the Courts below, i.e., foundation of the suit, which have not seen the light of day, therefore, the adverse inference is liable to be drawn against the defendants. The vital aspect of the matter has not been taken into consideration by the Courts below resulting into illegality and perversity. The appellant-plaintiff had already placed on record the sufficient material to show that the electricity connection was issued in his name and thus, urged this Court for setting aside the findings under challenge.

I have heard the learned counsel for the appellant-plaintiff, appraised the judgments and decrees of both the Courts below and of the view that there is no force and merit in the submissions of Mr. Arya, for, the department had produced on record the list of persons to whom the electricity connection under the signatures of respondent No.3 had been issued but there was not only one but 52 suspicious connections issued in Gurdaspur where the name of plaintiff was figuring at serial no.18 (Ex.D5) and this fact had not been denied. The appellant-plaintiff should not have invoked the jurisdiction of the Civil Court under Section 9 CPC.

In view of what has been observed above, I do not find any illegality and perversity in the findings of both the Courts below which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

No other argument has been raised.

Resultantly, the appeal stands dismissed.

(AMIT RAWAL)
JUDGE

March 23, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No