

238

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

**Civil Revision No.6838 of 2018 (O&M)
Date of Decision: 19.09.2019**

Deshpal

.....Petitioner

Vs

UHBVNL and another

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Chirag Wadhwa, Advocate
for the petitioner.

Mr. Deepak Manchanda, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has laid challenge to the order dated 06.08.2018 passed by the Civil Judge (Jr. Divn.) Karnal and order dated 15.09.2018 passed by the Addl. District Judge, Karnal vide which the application under Order 39 Rules 1 and 2 CPC was disposed of concurrently with rider that the petitioner may deposit 100% of the penalty amount and the 100% of the compounding fee within the prescribed period, failing which the defendants/respondents shall be at liberty to disconnect the electricity connection of the plaintiff.

[2]. Before disconnection of the electric supply, the petitioner ventured to file the present revision petition in which following order was passed on 08.10.2018:-

“Learned counsel for the petitioner contends that without prejudice to his civil rights in pending civil suit, he is ready to deposit 50% of the penalty amount and 100% of the compounding fee.

Notice of motion for 29.10.2018.

At this stage, Mr. Deepak Manchanda, Advocate appears on behalf of respondent No.1.”

[3]. Learned counsel for the petitioner submitted that in compliance of the aforesaid order, the petitioner has already deposited 50% of the penalty amount with 100% of the compounding fee.

[4]. The aforesaid fact has not been disputed by learned counsel appearing on behalf of respondent no.1 as per telephonic instructions received by him from the respondent-Department.

[5]. Since application under Order 39 Rules 1 and 2 CPC was disposed of with the aforesaid conditions, therefore, deposit of the aforesaid amount would suffice to serve the interim purpose of the plaintiff so as to get his suit decided on merits.

[6]. In view of above, the impugned order dated 06.08.2018 passed by the Civil Judge (Jr. Divn.) Karnal and order dated

15.09.2018 passed by the Addl. District Judge, Karnal are clarified/modified to the extent that the deposit of 50% towards penalty amount and deposit of 100% towards compounding fee shall be considered towards conditional compliance of application under Order 39 Rules 1 and 2 CPC. This revision petition is accordingly disposed of. The trial Court shall decide the suit on merits.

September 19, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No