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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM Nos.16881 to 84-C of 2018 in/and
RSA-6044-2018

Date of Decision: September 10, 2019

Parveen Kumar @ Bhola

.....Appellant

Versus

Surinder Kaur and others

.....Respondents

CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR

Present: Mr.Jaideep Verma, Advocate
for the appellant.

.....

NIRMALJIT KAUR, J.

CM-16881-C-2018

For the reasons mentioned in the application, the same is allowed and the applicant is permitted to make up the deficiency in Court fee good.

CM-16882-C-2018

For the reasons mentioned in the application, the same is allowed and delay of 3 days in filing the appeal is condoned.

RSA-6044-2018 (O&M)

The present regular second appeal is filed against the judgment and order dated 16.07.2018 passed by the Additional District Judge, Rupnagar as well as the judgment and decree dated 25.03.2015 passed by the Civil Judge (Jr.Division), Rupnagar dismissing the suit of the plaintiff for mandatory injunction.

The facts in short are that the plaintiff had earlier filed a suit against the respondent-defendant and others, which was decreed on 01.09.2011 holding that the appellant-plaintiff cannot be dispossessed from the suit property except in due course of law. As per the appellant, he was regularly paying the electricity bills but the respondent-defendants got the electricity supply dis-connected on 08.08.2011. This caused damage to the business of the appellant-plaintiff @ ₹500/- per day. Thereafter, the suit was filed seeking mandatory injunction for giving the direction to the defendants to restore the electricity supply in suit property and further the appellant-plaintiff sought declaration that he was entitled to the damages @ ₹500/- per day. As far as the first relief qua mandatory injunction was concerned, the same was rendered infructuous in view of an order dated 25.07.2011 passed in an application under Order 39 Rule 1 and 2 of the CPC. The appellant-plaintiff, therefore, claimed for recovery of ₹500/- per day on account of the electricity having been restored only on 13.08.2012. The second argument raised qua damages was, therefore, declined by the trial Court on the ground that the plaintiff did not lead any evidence either oral or documentary with regard to the damages caused to him. The appeal against the said order and judgment passed by the trial Court was also dismissed on almost on the same grounds by noting the fact that the appellant-plaintiff has not been able to show the damage to his business.

Heard.

Neither the evidence qua the income was placed on record nor any income tax return to show the same. The only argument raised before this Court is that he was running a video lab and therefore, electric

connection was essential for his business and that no business can run without electricity.

Even before this Court, no evidence has been shown to prove the loss caused to him, except his own averment. There is nothing on record even to assess the damage, if any. Therefore, in the absence of any evidence, no interference is called for.

Dismissed.

September 10, 2019
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**(NIRMALJIT KAUR)
JUDGE**

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |