

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

RSA-1554-2020 (O&M)
Date of Decision:-25.9.2020

Ram Singh

... Appellant

Versus

Uttar Haryan Bijli Vitran Nigam Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Nehra, Advocate for the appellant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The appellant assails judgment dated 15.10.2019 passed by learned Additional Civil Judge (Senior Division), Meham, District Rohtak and also judgment and decree dated 10.2.2020 passed by learned District Judge, Rohtak, wherein the judgment and decree dated 15.10.2019 passed by learned Additional Civil Judge (Senior Division), Meham, District Rohtak has been upheld.
2. The appellant had filed a suit seeking declaration to the effect that the electricity connection issued by defendant No.1-Uttar Haryana Bijli Vitran Nigam Limited in favour of defendant No.2 is illegal and had also sought a decree for mandatory injunction directing defendant No.1 to shift the

electricity line and to give electricity connection to defendant No.2 from another transformer by laying electricity line towards the eastern side.

3. The suit was contested by Uttar Haryana Bijli Vitran Nigam Limited while defendant No.2 was proceeded *ex parte*. While the suit was dismissed qua the declaration, which the plaintiff had sought for declaring electricity connection in favour of defendant No.2 as illegal, the suit for mandatory injunction was decreed. The operative part of judgment dated 15.10.2019 passed by learned Additional Civil Judge (Senior Division), Meham, District Rohtak reads as follows:

“16. In view of the findings on the above issues, the suit of the plaintiff stands dismissed qua relief o declaration only, and hence partly decreed qua the relief of mandatory injunction. Defendant no.1 is accordingly directed to act on the application of plaintiff to shift the electricity line in question, considering suggestions of the plaintiff, subject to Rules & charges for the purpose of shifting the electricity connection to an alternative mode. There is no order as to the costs. Decree sheet be drawn accordingly. File be consigned to records after due compliance.”

4. The plaintiff being aggrieved by aforesaid judgment and decree dated 15.10.2019 assailed the same by way of filing an appeal before the District Judge, which was, however, dismissed vide impugned judgment and decree dated 10.2.2020 passed by learned District Judge, Rohtak.
5. The learned counsel for the appellant has submitted that he had already submitted the requisite charges and that the electricity board i.e.Uttar Haryana Bijli Vitran Nigam Limited is somehow not doing the needful. It has further been submitted that the relief of declaration has been erroneously declined by the lower Court and that the electricity connection sanctioned in

favour of defendant No.2, in any case, ought to have been declared illegal especially when the said fact was not even contested by defendant No.2.

6. I have considered aforesaid submissions.
7. I find that the plaintiff is mainly aggrieved by the extension of certain electricity line from the fields of plaintiff and wants that defendant No.2 be given electricity connection from another transformer by laying electricity line towards the eastern side of his fields.
8. Nothing, however, has been shown as to how defendant No.2 was not entitled to electricity connection. In these circumstances, no infirmity can be found in the judgment and decree of the lower Court as far as declining of the prayer of the declaration, as sought by the plaintiff, regarding the electricity connection to defendant No.2 is concerned.
9. However, this Court finds that prayer of the plaintiff as regards grant of mandatory injunction has virtually been accepted by the Trial Court and defendant No.1 had been directed to consider the application of the plaintiff subject to the rules applicable and charges that the plaintiff would have to bear for the purpose of shifting of electricity connection extended to defendant No.2. In case defendant No.1-Uttar Haryana Bijli Vitran Nigam Limited has not done the needful for complying the mandatory injunction, the plaintiff can have recourse to appropriate remedies as may be available for execution of the decree concerned. However, such like execution cannot be sought by way of filing the instant appeal.
10. There is no infirmity in the impugned judgment dated 15.10.2019 passed by learned Additional Civil Judge (Senior Division), Meham, District Rohtak

and as affirmed by learned District Judge, Rohtak vide judgment and decree dated 10.2.2020.

11. Finding no merits in appeal, the same is hereby dismissed.

25.9.2020

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No