

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

RSA-2165-2017 (O&M)
Date of decision : 14.01.2020

Krishan Kumar

...Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shvetanshu Goel, Advocate for
Mr. Shrey Goel, Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

CM-5260-C-2017

For the reasons stated in the application, which is duly supported by an affidavit, delay of 252 days in filing the present appeal is condoned.

Application is allowed.

Main case

Learned counsel for the appellant contends that the question with regard to jurisdiction of the Civil Court is pending before Hon'ble the Division Bench of this Court in RSA No.4181 of 2016 and RSA No.4928 of 2016.

On being asked, learned counsel for the appellant admitted that the present suit filed by the plaintiff has been dismissed on merits and not

on the question of jurisdiction. However, learned counsel for the appellant insist that the Court must wait for the judgment passed by the Hon'ble Division Bench. In the considered view of this Court, once it is admitted fact that the suit filed by the plaintiff-appellant has not been dismissed on ground of lack of jurisdiction by the Courts below, there is no necessity to wait for decision of the reference to the Division Bench.

Learned counsel for the appellant submits that the appellant had submitted before the First Appellate Court that in absence of notice of provisional assessment, the orders of assessment were illegal. He submits that the aforesaid argument of the appellant has not been dealt with by the Court. He submitted that he may be granted permission to withdraw the present appeal with liberty to move appropriate application before the First Appellate Court, in this regard.

Ordered accordingly.

14.01.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No