

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

114

CR-2255-2021

Date of decision: 18.04.2022

Balraj

.....Petitioner

Versus

Mohit Dahiya and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Anand Kumar Bishnoi, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner seeks to set aside the order dated 01.04.2021 passed by the learned Additional District Judge, Panipat (Annexure P-2) vide which it upheld the order of the learned Civil Judge (Jr. Divn.), Panipat (Annexure P-1) wherein an application filed under Order 39 Rule 2A of the CPC by the petitioner was dismissed.

Learned counsel for the petitioner submits that both the Courts below gravely erred while passing the impugned orders by holding that there had been no wilful disobedience of the order dated 09.12.2013 (Annexure P-6) by the respondents. It was submitted that the Court failed to appreciate that vide order dated 09.12.2013, the Civil Court while deciding an application under Order 39 Rules 1 and 2 of the CPC had specifically directed the respondent-UH BVNL to restore the electricity supply of the petitioner. It had been directed that the petitioner would make a payment of 50% of assessment charges as well as compounding charges which amount was duly paid and deposited with the respondent electricity department by the petitioner with a request to restore his connection. However, instead of complying

with the order dated 09.12.2013, the petitioner was issued a letter bearing memo No.4501/CC dated 24.12.2013 to arrange for allied equipment i.e. transformer, cubical box etc. at his own costs and expenses. Learned counsel submits that it was apparent that the respondent department under the garb of asking the petitioner to arrange for allied equipment was wilfully and intentionally disobeying the orders dated 09.12.2013 of the Court concerned.

I have heard learned counsel for the petitioner and perused the relevant material on record.

Admittedly, pursuant to order dated 09.12.2013 of the Civil Court, the petitioner deposited the requisite amount as directed by way of a cheque with a request to the respondent department to restore his electricity connection. Since the electricity was not restored, the petitioner filed an application under Section 151 of the CPC before the trial Court wherein the trial Court clarified that order dated 09.12.2013 should not be interpreted to mean that the respondent department was to give a go-by to their rules and go out of their way to restore the electricity of the petitioner. Once the aforesaid clarification had been made by the learned trial Court and admittedly pursuant thereto the petitioner had also supplied all the requisite allied equipment as per the rules, this Court is of the considered opinion that the respondents did not in any manner wilfully disobey the orders of the Court concerned, dated 09.12.2013 (Annexure P-6). It is certainly not the case of the petitioner that subsequent to the order dated 09.12.2013 the respondent department had declined to restore his electricity supply. Rather, the petitioner had only been requested by the respondent department and

that too as per the rules, to supply the allied equipment. The petitioner in any case was expected to adhere to the rules and all other conditions.

This Court, therefore, does not find any merit in the instant revision petition, which is dismissed accordingly.

18.04.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No