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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-13054-CII-2022 in/and
CR-7281-2019 (O&M)
Date of Decision: 20.10.2022

YOGINDER KUMAR

.. Petitioner

Vs.

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Petitioner in person.

None for the respondents.

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Manoj Bajaj, J. (Oral)

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The instant application is for pre-poning the date of hearing of the main petition to an early date.

Heard.

For the reasons mentioned in the application, the same is allowed and the date of hearing is pre-poned to today.

Main case

Petitioner (plaintiff) has filed this revision petition under Article 227 Constitution of India to challenge the order dated 19.08.2019 (Annexure P-11) passed by the trial Court, whereby the plaintiff was directed to deposit 30% of the impugned amount demanded by defendants (DHBVNL, Mohindergarh) while granting interim injunction in his favour by restraining the defendants from dis-connecting the electricity connection.

Briefly, the facts leading to the revision petition are that the

plaintiff being aggrieved against the impugned demand of Rs. 4,60,445/- raised by DHBVNL, Mohindergarh (defendants) filed a Civil Suit No.474 of 2019 before the Civil Judge (Jr. Divn.), Mohindergarh, and along with the suit, he had moved an application for ad interim injunction seeking restrain order against the defendants from recovering the impugned amount or disconnecting the electricity connection bearing No.CT51-0034.

On 09.08.2019, the defendants appeared before the trial Court and prayed for time to file written statement and reply to the injunction application. While granting time to the defendants, the Civil Judge (Jr. Divn.), Mohindergarh passed a conditional ad interim injunction order in favour of the plaintiff by directing him to deposit at least 30% of the impugned amount in two installments i.e. 10% on or before 05.09.2019, and remaining 20% on or before 19.11.2019, and further the defendants were restrained from disconnecting the electricity connection. The trial Court sent the parties before the Mediation and Conciliation Centre at Mohindergarh in order to explore the possibility of compromise.

Aggrieved against the said order, the plaintiff preferred appeal bearing No.CMA-68-2019 before the Addl. District Judge, Narnaul, but as the Presiding Officer was not holding Court from 15.10.2019 to 22.10.2019, therefore, the said appeal was adjourned to 05.11.2019. The petitioner felt imminent threat of disconnection of the electricity connection, he approached this Court by way of this petition.

On 18.11.2019, this Court passed the following order:

“Learned counsel for the petitioner inter alia contends that recovery of Rs.4,60,445/- is sought to be made by the defendants on account of unauthorised use of electricity as per the order dated 19.08.2019 (Annexure P-11). A mediation has also failed between the parties and direction was given to

deposit 10% of the impugned amount on or before 05.09.2019 which the petitioner has deposited. With respect to remaining amount, learned counsel for the petitioner contends that there was no unauthorised use of electricity and there was only one checking done before the checking report (Annexure P-1) was issued to the petitioner.

Learned counsel for the petitioner states that he is not selling the water and some people from colony used the water supply for drinking purpose.

Notice of motion for 24.03.2020.

In the meantime, operation of the impugned order dated 19.08.2019 (Annexure P-11) is stayed so that an attempt can be made for mediation before this Court as well.”

Thereafter, there was breakout of pandemic COVID-19 and this Court on 12.05.2022 modified the impugned dated 19.08.2019 (Annexure P-11) by directing the plaintiff to deposit 15% of the total demand amount of Rs.4,60,445/- within one month from today, and further observed that failure of compliance would result in vacation of interim stay order.

Today, the petitioner has appeared in-person, who states that 10% of the impugned amount already stood deposited by him on 05.09.2019 and in compliance of the order dated 12.05.2022, another 5% was deposited by him on 18.05.2022. He submits that during the pendency of the revision petition, the proceedings in the suit progressed and the rival parties have already adduced their respective evidence and the case is now fixed for 14.11.2022 for final arguments.

Upon considering the issue raised in this revision petition as well as the stage of the civil suit, this Court finds that the impugned order already stands modified by this Court on 12.05.2022 and the same stands complied with by the plaintiff, therefore, at this stage, on merits nothing survives for adjudication in this petition. The civil suit is at the final stage, therefore, the revision petition is disposed of with the observation that the

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stands complied with.

20.10.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes	No
Yes	No