

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

**CR-7939-2018 (O&M)**

**Date of decision: 26.04.2023**

Munni Lal

...Petitioner

Vs.

Haryana State Electricity Board-cum- Dakshin Haryana Bijli Vitran Nigam  
Ltd. and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr.Rao Ajender Singh, Advocate,  
For the petitioner.

Mr. S.K.Mahajan, Advocate,  
For respondents No.1 to 3.

Mr. Alok Mittal, Advocate,  
For respondent No.4.

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**ARUN MONGA, J. (ORAL)**

Present revision petition is to set aside impugned order dated 25.09.2018 passed by learned Additional Civil Judge, (Senior Division) Rewari, whereby execution petition filed by petitioner, was dismissed.

2. Learned counsel for petitioner states that petitioner filed a suit for permanent injunction and declaration against respondents in the year 1996. Said suit was decreed in favour of petitioner vide judgment and decree dated 23.07.2004 (Annexure P-1).He submits that vide judgment dated 23.07.2004, he was entitled to get the electricity connection bearing No. WSP-89 transferred in his name along with Kartar Singh. But respondents No.1 to 3 failed to comply with the abovesaid judgment. Thereafter, petitioner filed execution petition. Learned Court below dismissed the execution petition by observing that decree of declaration granted by learned Court below is without any injunction to the judgment debtors/respondents No.1 to 3 to transfer the

electricity connection in the name of decree holder/petitioner. Therefore, decree dated 23.07.2004 being simplicitor decree for declaration, Executing Court cannot direct judgment debtors to transfer the electricity connection in favour of decree holder as the Executing Court cannot go neither behind the decree nor beyond the decree and execution petition is not maintainable and same is dismissed.

3. I have heard learned counsel for parties and gone through the case file.

4. Perusal of the case file reflects that three-fold relief was sought in plaint by way of allowing the suit which was decreed i.e.,i) decree for permanent injunction restraining defendants not to disconnect the electricity connection; ii) decree for declaration to the effect that plaintiff is legally entitled to get electricity connection; and iii) decree for mandatory injunction to the effect that defendants No.1 to 3 should re-connect the electricity connection.

5. While decreeing the suit, decree was passed only *qua* point No.i and ii, *supra*. Concededly, execution proceedings were initiated in the year 2016 i.e. after a period of almost 12 years since decree is dated 23.07.2004.

6. My attention has been drawn to Articles 135 and 136 of the Limitation Act, 1963 (for brevity, ‘the Act’) as per Schedule framed under Section 2 (j and iii) of the Act. For ready reference, Articles 135 and 136 are reproduced hereinbelow:-

*j. “period of limitation” means the period of limitation prescribed for any suit, appeal or application by the Schedule, and “prescribed period” means the period of limitation computed in accordance with the provisions of this Act;*

| <i>SL.NO.</i> | <i>DESCRIPTION OF SUIT</i>                                                       | <i>PERIOD OF LIMITATION</i> |
|---------------|----------------------------------------------------------------------------------|-----------------------------|
| <i>135.</i>   | <i>For the enforcement of a decree granting a mandatory injunction.</i>          | <i>Three years</i>          |
| <i>136.</i>   | <i>For the execution of any decree (other than a decree granting a mandatory</i> | <i>Twelve years</i>         |

*injunction) or order of any civil court.*

7. Perusal of the above leaves no manner of doubt that there is no limitation period for execution of decree of perpetual injunction but it is 12 years for decree of declaration.
8. What survives, therefore, for petitioner to pursue is essentially the relief *qua* decree of perpetual injunction.
9. On a Court query, learned counsel appearing for judgment debtors/respondents No.1 to 3 submits that the electricity connection in question is not being disconnected.
- 9.1. Furthermore, he submits that *qua* delay in seeking execution of decree of declaration, judgment debtors have no objection if petitioner approaches their office i.e. DHBVNL with appropriate application form and after completion of all the formalities, needful shall be done in terms of the decree already passed declaring him entitled to seek connection.
10. Be that as it may, in view of the aforesaid, nothing survives for adjudication. Petitioner may approach the office of DHBVNL for carrying out further formalities of getting electricity connection transferred in his name.
11. Disposed of, accordingly.
12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)  
JUDGE

26.04.2023

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No