

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 1829 of 1992 (O&M)****Date of Decision: 31.08.2023**

Chairman, Punjab State Electricity Board, Patiala and Others

... Appellant(s)

Versus

Manohar Lal

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Deep Inder Singh Walia, Advocate
for the appellant.**Anil Kshetarpal, J.**

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

2. The correctness of the judgment and decree passed by the First Appellate Court is questioned in this second appeal by the Punjab State Electricity Board.

3. The First Appellate Court has held that the plaintiff is entitled to full salary with other benefits from 17.05.1983 to 01.04.1984 and the entire amount spent by him for his treatment for the injuries received by him while on duty on 10.05.1983. The learned counsel representing the appellants contends that the entire amount spent by the respondent on the medical treatment could not be reimbursed to him.

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4. On 01.10.1992, the following order was passed:-

“States that so far as the claim of the respondent is concerned, the Board has complied with the decree and shall not recover the amount paid to Manohar Lal. However, the Board is interested in the position of law being settled.

Admitted only for settling the position of law.”

5. It is evident that the respondent is not represented as the appeal is listed after the lapse of a period of 31 years. The respondent has already been paid the amount which the Electricity Board does not wish to recover.

6. Keeping in view the aforesaid facts, the present appeal is disposed of by keeping the question of law open.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 31, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No