

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-5920-C-2023 &
CM-5578-C-2018 in/&
RSA-2011-2018 (O&M)
Date of Decision :01.06.2023

Dakshin Haryana Bijli Vitran Nigam
Ltd. and another

...Appellants

Versus

Ram Niwas

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.S. Longia, Advocate for the appellants.

None for the respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-5920-C-2023

Present application has been filed for recalling the order dated 05.05.2023 passed by this Court by which, the main appeal was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 05.05.2023 passed by this Court is recalled and the main appeal is ordered to be restored to its original number and status and is taken up for hearing today itself.

RSA-2011-2018

1. Present regular second appeal has been filed challenging the

judgment and decree of the lower Appellate Court dated 07.12.2017 by which, the judgment and decree of the trial Court dated 26.09.2016 has been set aside and the suit filed by the respondent-plaintiff was allowed.

2. Despite service, there is no representation on behalf of the respondent, hence the respondent is proceeded ex-parte.

3. Learned counsel for the appellants submits that in the present case, it has already come on record by way of evidence that the meter in question, which was stated to be tempered with, was not tested in the laboratory so as to ascertain whether the same was actually tempered with or not and action was taken only on the basis of the fact that seal attached on the meter prima facie seemed to be tempered with hence, the present appeal may kindly be disposed of having been not pressed any further with liberty to the appellants to initiate proceedings in accordance with law as permissible under the Electricity Act, 2003 after following due process of law including the checking of the meter in question from the laboratory concerned.

4. Ordered accordingly.

CM-5578-C-2018

Application is also disposed of.

June 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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