



RSA-2192-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

118

RSA-2192-2024 (O & M)
Date of decision: 03.09.2024

Dakshin Haryana Bijli Vitran Nigam, Badrola and another

...Appellants

Versus

Raj Kumari

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. B.R.Mahajan, Sr. Advocate with
Mr. Arvind Seth, Advocate,
for the appellants.

RAJBIR SEHRAWAT, J. (Oral)

CM-8939-C-2024

1. Allowed as prayed for.

CM-8937-C-2024

1. This is an application under Section 5 of the Limitation Act, seeking condonation of delay of 28 days in filing the present regular second appeal.

2. In view of the grounds mentioned in the application, the same is allowed and delay of 28 days in filing the present appeal is condoned.

RSA-2192-2024

1. The present appeal has been filed challenging the concurrent judgments, decrees and the findings recorded by both the courts below, whereby the suit for mandatory injunction and declaration with

**RSA-2192-2024****-2-**

consequential relief of permanent injunction, filed by the respondent-plaintiff has been decreed and the appeal filed by the appellants-defendants has been dismissed by the lower Appellate Court.

2. The facts, in brief, as involved in the case, are that the plaintiff-respondent asserted that she had applied for a new electricity connection at her premises, which was released to her bearing account No.NN-13/1723. However, later on, the respondents disconnected the electricity connection of the plaintiff on the ground that an amount of Rs.3,33,888/- was outstanding against the old electricity connection bearing account No.NE-31/0015, which was owned by the previous owner of the premises. It was also asserted that the plaintiff had no concern with the said electricity connection at all. Therefore, she was not liable to pay any money, as such.

3. After appreciating the material on record, the trial Court decreed the suit, vide judgment and decree dated 21.08.2023. Feeling aggrieved against the same, the defendant-appellants filed the appeal before the lower Appellate Court. However, the same was also dismissed, vide impugned judgment and decree dated 13.03.2024.

4. Challenging both the above-said judgments and decrees, the present appeal has been filed.

5. Although, learned senior counsel for the appellants has vehemently argued the appeal, however, no material could be pointed out by him, which might have been led on the record by the appellant-defendants to establish the alleged recovery of Rs.3,33,888/-, against the plaintiff.



RSA-2192-2024

-3-

Therefore, there is nothing wrong with the judgments and decrees passed by the Courts below.

6. Otherwise also, the present appeal is directed against the concurrent judgments, decrees and the findings of fact recorded by both the Courts below. However, the concurrent findings of fact recorded by the Courts below are not even to be interfered with only for possibility of arriving at a different conclusion on re-appreciation of the evidence; unless there is an abject perversity shown to the Court or some substantial question of law is involved in the matter. However, learned senior counsel for the appellants has not been able to highlight any substantial question of law involved in the matter and this Court does not find any perversity in the findings recorded by both the Courts below.

7. In view of the above, finding no merit in the present appeal, the same is dismissed.

8. The pending miscellaneous application, if any, is also disposed of as such.

03.09.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No