

2025:PHHC:099296



221-22

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

RSA-1053-2023 (O&M)
Date of Decision : 01.08.2025

DAKSHIN HARYANA BIJLI VITRAN NIGAM & ANR ... Appellants

Versus

JAI BHAGWAN ... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. B.R. Mahajan, Senior Advocate with
Mr. Madhur Singh, Advocate for the appellants.

Mr. R.N. Lohan, Advocate and
Mr. Ajay Kumar Yadav, Advocate for the respondent.

ALKA SARIN, J. (Oral)

CM-4060-C-2023

1. This is an application for condonation of delay of 53 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 53 days in filing the main appeal is condoned.

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3. The defendant-appellants are in present Regular Second Appeal, challenging the judgment and decree passed by the First Appellate Court whereby their appeal was dismissed, and the judgment and decree passed by the Trial Court in favour of the plaintiff-respondent was affirmed.

4. At the outset, learned senior counsel appearing on behalf of the defendant-appellants has submitted that the question of law involved in the present appeal as to whether jurisdiction of the Civil Court is barred in view of Section 145 of the Electricity Act, 2003, has since been decided by the Hon'ble Division Bench of this Court in **RSA-4181-2016**, titled as '**Mahesh Kumar Versus Sub Divisional Officer and Another**' vide judgment dated 14.05.2025.

5. Learned counsel for the plaintiff-respondent does not dispute this factual position.

6. In view thereof, the present appeal is allowed, and the suit filed by the plaintiff-respondents stands dismissed on the ground of jurisdiction. However, the plaintiff-respondents would have the liberty to avail the remedies as available in law.

7. It is made clear that any evidence recorded/observations made in the impugned judgments and decrees would not operate as *res judicata* in any subsequent proceedings initiated by the plaintiff-respondent. Pending applications, if any, also stands disposed off.

01.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO