2025:PHHC:099292

221-16

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1554-2025 (O&M)
Date of Decision : 01.08.2025

UTTARI HARYANA BIJLI VITRAN NIGAM & ORS ... Appellants

Versus

GARIMA ... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mrs. Vasundra Asija Bhandari, Advocate for the appellants.

Mr. Gurveer Singh Sidhu, Advocate for the respondent.

ALKA SARIN, J. (Oral)

CM-5311-C-2025

1. This is an application for condonation of delay of 45 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 45 days in filing the main appeal is condoned.

RSA-1554-2025

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

4. At the outset, learned counsel for the defendant-appellants has submitted that the question of law involved in the present appeal as to

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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-respondent stands dismissed on the ground of jurisdiction. However, the plaintiff-respondent 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 **(ALKA SARIN)**
Aman Jain **JUDGE**

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

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