

2025:PHHC:097800



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

109

RSA-5435-2015 (O&M)
Date of decision: 01.08.2025

Parveen Kumar

...Appellant

Versus

UHBVNL, Panchkula and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Ishant Arora, Advocate for
Mr. Mohit Sadana, Advocate for the appellant.

VIKAS SURI, J.

CM-12932-C-2015

This is an application under Section 5 of the Limitation Act for condonation of delay of 27 days in filing the appeal.

For the reasons set out in the application, supported by affidavit, the same is allowed and delay of 27 days in filing the appeal is condoned.

CM stands disposed of.

RSA-5435-2015

1. The plaintiff-appellant in present Regular Second Appeal has challenged the judgment and decree dated 29.05.2015 passed by the First Appellate Court, whereby the appeal preferred by respondent-Nigam was accepted, and the judgment and decree dated 28.02.2014 passed by



the Trial Court decreeing the suit, was set aside and resultantly, the suit was dismissed by the First Appellate Court.

2. At the outset, learned counsel for the appellant 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 vide judgment dated 14.05.2025 passed in ***Mahesh Kumar Versus Sub Divisional Officer and another***, reported in 2025(3) RCR (Civil) 303. Therefore, learned counsel for the plaintiff-appellant seeks permission to withdraw the present appeal as well as his civil suit itself with liberty to avail the remedies as available in law.

3. Dismissed as withdrawn with liberty aforesaid.

4. It is made clear that any evidence recorded/observations made in the impugned judgments and decree would not operate as *res judicata* in any subsequent proceedings initiated by the plaintiff-appellant.

5. Pending applications, if any, also stand disposed of.

August 01, 2025
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes / No
Yes / No