

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

(113)

RSA-810-2023 (O&M)
Date of Decision: 28.04.2026

RANJIT SINGH

... Appellant

Versus

AJAIB SINGH AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Anil Kumar Garg, Advocate
for the appellant.

Mr. Alok Mittal, Advocate
for respondent-PSPCL.

VIRINDER AGGARWAL, J. (Oral)**CM-3032-C-2023**

1. The present application has been instituted by the applicant—
appellant under Section 5 of the Limitation Act, seeking condonation of a
delay of 40 days in preferring the appeal.
2. Upon due consideration of the averments set forth in the
application, and being satisfied that sufficient cause has been shown which
prevented the applicant from instituting the appeal within the prescribed
period of limitation, this Court deems it appropriate, in the interest of
substantial justice, to condone the delay of 40 days.



3. Accordingly, the application stands allowed, and the delay in filing the appeal is hereby condoned. The application is disposed of in the aforesaid terms.

CM-3034-C-2023

4. The present application has been preferred by the applicant—appellant under Section 5 of the Limitation Act, read with Section 151 of the Code of Civil Procedure, 1908, seeking condonation of a delay of 40 days in re-filing the appeal.

5. Having considered the grounds and reasons delineated in the application, and being satisfied that sufficient cause has been shown for the delay occasioned in re-filing, this Court finds it appropriate, in furtherance of the cause of substantial justice, to condone the said delay.

5.1. Accordingly, the application stands allowed, and the delay of 40 days in re-filing the appeal is hereby condoned.

Main Case

6. The present appeal has been instituted by the appellant—plaintiff assailing the concurrent judgments and decrees dated 25.02.2022, whereby the learned First Appellate Court affirmed the judgment and decree dated 08.12.2016 passed by the learned Trial Court, dismissing the suit instituted by the appellant—plaintiff.

7. A conspectus of the material facts reveals that the appellant—plaintiff instituted a suit seeking a decree of mandatory injunction directing defendant No.1 to effect transfer of an electricity connection bearing Account No. 9507 dated 13.09.1990 in his favour, in terms of an affidavit dated 25.05.2006, along with a decree of permanent injunction restraining



defendants No.1 to 3 from shifting the said connection from land comprised in Khasra No.53, situated within the revenue estate of village Salampur Jattan, Tehsil Rajpura, to any other parcel of land. The claim was premised on the assertion that defendant No.1 had allegedly transferred the said electricity connection to the appellant–plaintiff for a consideration of Rs.23,000/-, duly acknowledging the same through the aforesaid affidavit, but subsequently resiled from effecting its transfer and threatened to relocate the connection elsewhere.

7.1. Defendant No.1, in his written statement, categorically denied any such transaction, asserting that no sale of the electricity connection had ever taken place. It was further contended that an application had been moved for shifting the connection from Khasra No.53 to Khasra No.92, inasmuch as the land comprised in Khasra No.53 had been exchanged with the appellant–plaintiff. It was also specifically pleaded that the electricity connection, being the property of the Punjab State Power Corporation Limited (PSPCL), could not be alienated or transferred by a consumer. Defendants No.2 and 3 also resisted the suit on the ground that, in terms of the applicable regulations of PSPCL, such a transfer was impermissible.

7.2. Upon trial, the suit was dismissed by the learned Trial Court, and the appeal preferred thereagainst was also dismissed by the learned First Appellate Court. Aggrieved thereby, the appellant–plaintiff has preferred the present appeal, accompanied by an application seeking permission to adduce additional evidence by examining Bhupinder Singh son of Tara Singh, purportedly to prove the attestation of the affidavit allegedly executed by defendant No.1.



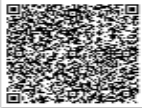
8. I have heard learned counsel for the parties at length and have carefully perused the paper-book with their able assistance.

9. The edifice of the appellant's case rests upon the alleged affidavit dated 05.06.2012 (Ex.P1). However, the appellant-plaintiff has failed to discharge the burden of proving the said document in accordance with law. Neither the attesting authority was examined nor any attesting witness was produced to substantiate its execution. The mere exhibition of the document as Ex.P1, in the absence of formal proof, does not satisfy the evidentiary requirements mandated by law.

9.1. The application for additional evidence filed before the learned First Appellate Court was rightly dismissed upon cogent and well-reasoned findings that the case did not fall within the ambit of Order XLI Rule 27 of the Code of Civil Procedure, 1908. The appellant-plaintiff was fully cognizant of the existence and centrality of the affidavit, which constituted the very foundation of the suit, and was, therefore, under a legal obligation to prove the same during trial by leading appropriate evidence.

9.2. Even in the present proceedings, the prayer for leading additional evidence is devoid of merit. The proposed witness, Bhupinder Singh, at best, could depose regarding the attestation by his father, but would not be competent to prove the execution of the affidavit by defendant No.1. Consequently, the requirements of Order XLI Rule 27 CPC remain unfulfilled, and the application is liable to be rejected.

10. Moreover, the appellant-plaintiff has failed to establish that defendant No.1 possessed any legal authority or proprietary right to transfer the electricity connection in question. It is an undisputed position



that such connections are governed by the statutory framework and regulations of PSPCL, and do not constitute transferable property in the hands of the consumer.

10.1. In the absence of any legally enforceable contract, coupled with the failure to prove competence on the part of defendant No.1 to effect such transfer, the claim of the appellant–plaintiff is rendered wholly untenable in law.

11. In view of the concurrent findings of fact recorded by both the Courts below, which are based on a proper appreciation of evidence and do not suffer from any perversity or legal infirmity, no interference is warranted in the exercise of jurisdiction under the present appeal. The appeal, being devoid of merit, is accordingly **dismissed**.

12. Consequent upon the final adjudication of the principal matter, all pending miscellaneous applications, if any, also stand disposed of, as no separate orders are required to be passed thereon.

28.04.2026
Gaurav Sorot

(**VIRINDER AGGARWAL**)
JUDGE

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