



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

(109)

RSA-1930-2023 (O&M)
Date of Decision: **10.03.2026**

DARSHANA DEVI

... Appellant

Versus

UHBVNL AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Suresh Nain, Advocate
for the appellant.

Mr. Ashish Yadav, Advocate
for the respondents.

VIRINDER AGGARWAL, J. (Oral)

1. The present Regular Second Appeal (for short, “RSA”) has been preferred assailing the judgment and decree dated 17.09.2022 passed by the learned First Appellate Court, whereby the judgment and decree dated 09.07.2019 rendered by the learned Civil Judge (Junior Division), Samalkha were affirmed and the appeal filed by the appellant–plaintiff came to be dismissed.

1.1. In compliance with the previous order dated 04.02.2026, the cost of ₹5,000/- imposed upon the appellant has since been deposited. A photocopy of the receipt evidencing such deposit, produced by the learned counsel for the appellant, is ordered to be taken on record.

2. A brief recapitulation of the facts are that the appellant–plaintiff instituted a suit seeking declaration, permanent injunction,



mandatory injunction, and damages, inter alia, on the ground that a commercial electricity connection had been installed at his premises for running a die-house. It was pleaded that vide Memo No. 21 dated 05.01.2016, the defendants intimated that the said connection would be disconnected within ten days, whereupon the plaintiff instituted suit challenging the legality and validity of the said memo. According to the plaintiff, the defendants subsequently asserted that the connection had been disconnected vide Order No. 6156; however, in reality, the disconnection existed only on paper, as the plaintiff continued to pay electricity bills regularly. It was further pleaded that at the time of installation of the electricity meter there was no stipulation requiring a non-pollution certificate, and therefore the connection could not have been disconnected on that ground. The plaintiff also alleged that a false LL-1 report dated 22.01.2016 was prepared. It was further pleaded that a demand memo dated 28.04.2016 raising a demand of ₹52,793/- was issued, which the plaintiff deposited under compulsion, and that another memo dated 29.01.2016 requiring payment of a penalty of ₹72,345/- on the basis of an alleged checking conducted on 22.01.2016 was illegal, null and void. On these premises, the suit was instituted.

3. The suit was contested by the respondents–defendants, who maintained that the electricity connection had been rightly disconnected. It was further alleged that despite the temporary disconnection of the electricity supply, the appellant–plaintiff was found illegally drawing electricity directly, which was detected by the checking team on 22.01.2016, and the entire inspection was videographed. It was also



pleaded that an FIR for theft of electricity had been registered. Upon consideration of the pleadings and evidence on record, the learned Civil Judge (Junior Division) dismissed the suit. The appeal preferred by the appellant–plaintiff before the learned First Appellate Court also met with the same fate. Aggrieved thereby, the present appeal has been filed.

4. Mr. Ashish Yadav, Advocate, appeared on behalf of the respondents to contest the present appeal.

5. I have heard the learned counsel appearing for the parties at considerable length and have carefully and minutely perused the record of the case.

6. As regards the scope of second appeal, it is now a settled proposition of law that in Punjab and Haryana, second appeals preferred are to be treated as appeals under Section 41 of the Punjab Courts Act, 1918 and not under Section 100 CPC. Reference in this regard can be made to the judgment of the Supreme Court in the case of ***Pankajakshi (Dead) through LRs and others V/s Chandrika and others, (2016) 6 SCC 157***, followed by the judgments in the case of ***Kirodi (since deceased) through his LR V/s Ram Parkash and others, (2019) 11 SCC 317 and Satender and others V/s Saroj and others, 2022(12) Scale 92***. Relying upon the law laid down in the aforesaid judgments, no question of law is required to be framed.

7. A careful and considered examination of the record reveals that both the Courts below have returned concurrent findings of fact to the effect that the appellant–plaintiff was indulging in theft of electricity by directly drawing supply from the main line after his electricity connection



had been temporarily disconnected. Such findings, having been recorded upon a proper and due appreciation of the evidence available on record, are pure findings of fact, which ordinarily do not call for interference in the limited appellate jurisdiction exercised by this Court.

7.1. Furthermore, the jurisdiction of the Civil Court in matters of this nature stands expressly barred, as authoritatively held by the Division Bench of this Court in ***Mahesh Kumar vs. SDO, RSA-4181-2016***, decided on **14.05.2025**. In view thereof, this Court finds no merit in the present appeal. Consequently, the appeal stands **dismissed**, and the judgment and decree passed by the learned First Appellate Court is hereby affirmed.

8. In light of the fact that the principal *lis* involved in the present proceedings has been finally adjudicated, all pending miscellaneous applications, if any, shall also stand disposed of accordingly. No further orders are required to be passed in that regard.

10.03.2026
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

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