

HRPL020010382022



Presented on : 16-07-2022
Registered on : 16-07-2022
Decided on : 24-07-2026
Duration : 4 years, 0 months, 8 days

IN THE COURT OF
Civil Judge (Junior Division) at Palwal, Palwal
Presided Over by Ms. Shashi Himshikha
CS/829/2022

Subhash Tanwar son of Pratap R/o H. No. D-506, Near Baa Mandir, Ratua Mohalla,
Prithla, (42), Tehsil & Distt. Palwal

----- *Plaintiff*

Versus

1. Dakshin Haryana Bijli Vitran Nigam Ltd. through its Executive Engineer,
Palwal, Tehsil & District Palwal.
2. The S. D. O. (Sub Urban) Dakshin Haryana Bijli Vitran Nigam Ltd. Palwal,
Tehsil & Distt. Palwal

----- *Defendants.*

SUIT FOR DECLARATION & PERMANENT INJUNCTION AS A
CONSEQUENTIAL RELIEF OF

Present: Sh. Rajeev Advocate for plaintiff.
Sh. Deshraj Advocate for defendants.

JUDGMENT:-

1. The plaintiff has filed this present suit against the defendants for declaration to the effect alleged notice dated 14.7.2022, LL-1 report no. 5693/42 dated 27.11.2021 and alleged FIR are illegal, null and void and for further seeking decree for permanent injunction restraining the defendants from recovering the amount of Rs. 2,37,372/- on the basis of impugned notice dated 14.7.2022 from the

plaintiff and also from disconnecting the electricity connection of the plaintiff illegally and unlawfully.

2. Briefly, encapsulated, the facts of the present case are that plaintiff is user of the electricity connection A/c no. GG21-6845-L. Plaintiff is paying electricity charges as per consumption. Defendants sent notice u/S 41(a) of Cr.PC and have asked the plaintiff to the penalty of Rs.2,17,372/- and compounding charges of Rs. 20,000/-. It is further submitted that defendants have also got registered a false FIR no. 10 dated 3.1.2022 under Section 135/151 of I.E Act in PS & IP Faridabad against the plaintiff. It is further submitted that alleged checking was never done by the officials of the defendants. The plaintiff further requested the defendants time and again to withdraw above mentioned notice but defendants did not pay any heed to his request. Hence, the present suit.

3. Notice of this suit given to the defendants. The defendants appeared and filed written statement taking preliminary objections as to maintainability, jurisdiction, concealment, limitation, cause of action etc. On merits, defendants submitted that plaintiff is user of the electricity connection A/c no. GG21-6845-L defendants and premises of the plaintiff was checked on 27.11.2021 by checking team of the Nigam. In the checking, it was found that direct supply from incoming wire through 2/core PVC 10mm² long black colour. Hence LL-1 reported dated 27.11.2021 was prepared and memo dated 3.12.2021 was issued to the plaintiff. All the remaining averments taken in the plaint are denied and prayed for dismissal of the suit with costs.

4. Replication not filed. From pleadings of the parties, the following issues were framed vide order dated 3.11.2022:-

1. Whether the plaintiff is entitled to a decree for declaration as prayed for?OPP
2. Whether the plaintiff is entitled to a decree for permanent injunction as prayed for?OPP
3. Whether the suit of the plaintiff is not maintainable? OPD
4. Whether the plaintiff has got cause of action and locus standi to file this suit? OPD.
5. Relief

5. In order to prove these issues, plaintiff has availed multiple effective opportunities including last opportunity, but failed to produce even an iota of evidence. On the other hand, learned counsel for the defendants stated that since the plaintiff has not led any evidence, therefore, he does not want to lead evidence.

6. I have heard learned counsel for the plaintiff and learned counsel for the defendants and have perused the case file and documents on record carefully.

Issues-wise findings along with reasons thereof are as under:-

ISSUE NO:-1 & 2

7. Onus to prove issues No.1 & 2 is on the plaintiff. However no evidence was led by the plaintiff for discharging this onus.

Order 17 Rule 3 of Code of Civil Procedure Code read as follows:-

Court may proceed notwithstanding either party fails to produce evidence, etc.:-Where any party to a suit to whom time has been granted fails to produce his evidence, or to cause the attendance of his witnesses, or to perform any other act necessary to the further progress of the suit, for which time has been allowed, the Court may, notwithstanding such default,-

- (a) if the parties are present, proceed to decide the suit forthwith, or
- (b) if the parties are, or any of them is, absent, proceed under rule 2.

8. In this case also, time was granted to plaintiff since the framing of issues on 3.11.2022 to produce his evidence or to perform any other act necessary to the further progress of this suit. No evidence was produced by the plaintiff for proving its case against defendants. No PW was produced for allowing the defendants to cross examine them. Therefore, this court is of the opinion that plaintiff has failed to prove his case against the defendants. Plaintiff has failed to discharge onus to prove issues no. 1 & 2 in his favour. These issues are decided against the plaintiff under Order 17, Rule 3 CPC.

ISSUES NO. 3 & 4

9. Onus to prove these issues was upon the defendants. Since no evidence was produced by the plaintiff for proving his case against defendants and issues no.1 & 2 were decided against the plaintiff, Ld. Counsel for the defendants submitted that he does not wish to lead any evidence with respect to issues no. 3 & 4, therefore issues no. 3 & 4 disposed of being not pressed.

RELIEF:-

10. In view of findings on aforesaid issues, present suit of plaintiff stands dismissed with costs under Order XVII Rule 3 of CPC. Decree sheet be prepared accordingly. File be consigned to the record room after due compliance.

Pronounced in open court:
Dated: 24.7.2026

(Shashi Himshikha)
Civil Judge, (Jr. Divn.),
Palwal UID 0766

Note:- This judgment consists of (-4-) pages and each page checked and signed by me.

(Shashi Himshikha)
Civil Judge, (Jr. Divn.),
Palwal UID 0766

Man Singh

Subhash Tawar Vs DHBVNL CS 829-2022

Present: Sh. Rajeev Advocate for plaintiff.
Sh. Deshraj Advocate for defendants.

No PW is present. Vide a separate detailed judgment of even date, **the suit of the plaintiff is dismissed under Order XVII Rule 3 CPC.** Decree-sheet be prepared accordingly. File be consigned to the record room after due compliance.

Pronounced in open court:
Dated: 24.7.2026

(Shashi Himshikha)
Civil Judge, (Jr. Divn.),
Palwal UID 0766