
(2005) 10 P&H CK 0071

In the Punjab And Haryana At Chandigarh

Case No : Regular Second Appeal No. 3806 of 2004 (O and M)

Gurdev Singh

APPELLANT

Vs

Punjab State Electricity Board and Others

RESPONDENT

Date of Decision : 24-10-2005

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 17 Rule 3, 100

Citation : (2006) 142 PLR 636 : (2006) 2 RCR(Civil) 158

Hon'ble Judges : M.M. Kumar, J

Bench : Single Bench

Advocate : S.S. Rangji, for the Appellant;

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—This is plaintiffs appeal filed u/s 100 of the Code of Civil Procedure, 1908 challenging concurrent findings of fact recorded by both the Courts below nolding thpt the plaintiff-appellant was granted seven effective opportunities including three last opportunities hut he failed to adduce any evidencj in support of the issue raised before the Courts. He remained unable to appear himself as his own witness. As a consequence, his suit has been dismissed by both the Courts below. It is appropriate to mention that the suit was filed for mandatory injunction against the defendant-respondents (PSEB) for transfer of electric connection from the name of the Bakhtawar Singn to the name of the plaintiff-appellant.

2. Having heard the learned Counsel, I am of the considered view that the order dated 8.9.2003 passed by the trial Court by invoking the provisions of Order XVII Rule 3 of the Code closing the evidence of the plaintiff-appellant and consequently dismissing his suit does not suffer from any illegality warranting interference of this Court, According to the amended provisions of the Code the plaintiff-appellant was entitled to only three opportunities whereas seven effective opportunities have been granted to him There is no merit in the appeal and the same is liable to be dismissed.

For the reasons stated above, this appeal fails and the same is dismissed. In view of the dismissal of the appeal on merits, I do not feel any necessity of passing any order on the application seeking condonation of 15 days delay in refiling the appeal.