
(2000) 08 P&H CK 0014
In the Punjab And Haryana At Chandigarh
Case No : C.R. No. 3489 of 1999

Haryana Vidyut Parasaran Nigam Ltd., Narwana	APPELLANT
Vs	
Om Parkash	RESPONDENT

Date of Decision : 25-08-2000

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 39 Rule 1, Order 39 Rule 2
Specific Relief Act, 1963 — Section 41

Citation : (2001) 4 RCR(Civil) 54

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : Mr. Tribhuwan Dahaya, for the Appellant; Mr. S.K. Garg, for the Respondent

Judgement

Bakhshish Kaur, J.—A sum of Rs. 47,01,980.25 is due from the respondents towards electricity bills upto May, 1998. The defendant-respondents have not paid the penalty. Therefore, a suit for permanent injunction was filed restraining the defendant-respondents from alienating the building described in the plaint.

2. A prayer for issuance of ad interim injunction was also made. Finding no merit in the application the same was dismissed by the trial Court and the order was upheld by the first Appellate Court. Aggrieved by the orders passed by the Courts below, this revision petition has been preferred.

3. Heard counsel for the parties.

4. An objection was taken up in the written statement that the suit is not maintainable u/s 41(h) of the Specific Relief Act. It is also averred that they had challenged the order dated 13.11.1997 imposing penalty of Rs. 47,01,980.25 and the appeal is pending.

5. Both the parties have shown ignorance whether the appeal is pending or not. Any way it is admitted fact that amount of penalty imposed on the defaulter can be recovered as land revenue. There are different modes of realising the amount

of penalty. Thus, under these circumstances, I am of the view that the petitioner is not entitled to the discretion under Order 39, Rules 1 and 2, CPC which has been rightly declined by the courts below after exercising the power judiciously dismissed.

6. Order accordingly.