

(2018) 10 DEL CK 0279

In the Delhi High Court

Case No : Regular First Appeal No..586 of 2006

N.D.M.C.

APPELLANT

Vs

Ravinder Singh & Ors

RESPONDENT

Date of Decision : 23-10-2018

Acts Referred:

Code of Civil Procedure, 1908 — Section 96

Citation : (2018) 10 DEL CK 0279

Hon'ble Judges : Valmiki J. Mehta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

i Compensation for rent paid for the period about six weeks @ Rs.12,054/- per month for the rent paid without electricity.", "Rs.18,000/-

ii Loss of business on the occasion of Diwali &

Gurpurav during the relevant period.", "Rs.50,000/-

iii Litigation expenses in two suits, appeal and LPA", "Rs.25,000/-

iv Loss of reputation humiliation in the business

community general and market in particular.", "Rs.4,00,000/-

v Mental torture, "Rs.3,00,000/-

vi Notice fee, "Rs.5,000/-

6. In my opinion, the arguments urged on behalf of the appellant/defendant have to be accepted. No doubt the electricity remained illegally",

disconnected for a period of 12 days in the shop of respondent/plaintiff from 08.10.2000 to 20.11.2000, however in every case where the damages are",

claimed, such damages have to be proved by showing how the loss was suffered. Admittedly, in the entire plaint or the evidence there is not even a",

whisper as to what was the business which the respondent/plaintiff was carrying out in the licenced shop run by the respondent/plaintiff, besides the",

fact that not a single document was filed by the respondent/plaintiff, be it the Bill Book or Income Tax Returns to show the volume of business being",

done by the respondent/plaintiff from the licenced shop. Consequently the profits which could have been lost by the respondent/plaintiff on account of,

illegal disconnection of electricity for 12 days and causing of mental agony and harassment do not stand proved.,

7. In view of the aforesaid discussion, this appeal is allowed. The impugned Judgment of the trial court dated 27.04.2006 is set aside and the suit of the",

respondent/plaintiff is dismissed. Parties are left to bear their own costs. Decree-sheet be prepared. Trial court record be sent back forthwith.,