
(2006) 10 P&H CK 0071
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 5839 of 2004

Uttar Haryana Bijli Vitran Nigam Ltd.

APPELLANT

Vs

Mehtab Singh

RESPONDENT

Date of Decision : 23-10-2006

Acts Referred:

Citation : (2007) 1 ILR (P&H) 127 : (2007) 1 PLR 428 : (2006) 4 RCR(Civil) 844 : (2006) 2 RCR(Rent) 613

Hon'ble Judges : Vinod K.Sharma, J

Advocate : Suveer Sheekand, Advocate. Rakesh Lathwal, Advocate., Advocates for appearing Parties

Judgement

Vinod K. Sharma, J. (Oral)

1. The present revision petition has been filed against the order dated 5102004 passed by the learned Additional District JudgeI, Rohtak, vide which the appeal filed by the respondentplaintiff herein was accepted and the order passed by the learned Additional Civil Judge (Sr. Divn.), Rohtak, permitting the restoration of the electricity on deposit of 40% of the penalty amount by the plaintiffrespondent, was set aside.

2. Learned lower Appellate Court has merely given the findings by observing that as the theft was committed by the tenant, no penalty can be imposed on the plaintiffrespondent being owner of the premises. However, the learned lower Appellate Court has failed to appreciate the reasoning given by the trial Court for ordering the respondentplaintiff to deposit 40% of the penalty amount as the trial Court was of the view that the respondent plaintiff being the consumer of the electricity was civilly liable to pay the penalty imposed for misuse of electric connection by the tenant.

3. The learned trial Court had rightly observed that in the case of theft, the criminal liability could not have been fastened on the respondentplaintiff, however, he cannot be absolved of the civil liability to pay the penalty amount

being a registered consumer as the electricity was used by the tenant with his consent.

Accordingly, the revision petition is allowed, the impugned order dated 05102004 is set aside and that of the learned trial Court is restored.