

(2019) 08 CHH CK 0204

Chhattisgarh High Court

Case No: Second Appeal No. 175 Of 2008

Chanchal Prasad

APPELLANT

Vs

Chhattisgarh State Electricity
Board And Ors

RESPONDENT

Date of Decision: Aug. 29, 2019

Acts Referred:

- Code Of Civil Procedure 1908 - Section 100

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Manoj Paranjpe, Anurag Singh

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. Heard on the question of admission and formulation of substantial question of law in this second appeal preferred by the plaintiff under Section 100

of the CPC.

2. Mr. Manoj Paranjpe and Mr. Anurag Singh, learned counsel for the plaintiff would submit that both the Courts below have concurrently erred in

dismissing the civil suit filed by the plaintiff by not granting the relief prayed for and by not directing that the electric meter bearing service No. 000025

be transferred in the name of the plaintiff by recording a finding which is perverse and contrary to record and gives rise to substantial question of law

for determination in this second appeal.

3. Plaintiff filed a civil suit stating inter alia that the impugned electric meter bearing service No. 000025 be transferred in his name and the electricity

supply be restored, which was dismissed by the trial Court and upheld by the first appellate Court against which this second appeal has been preferred by him.

4. Both the Courts below have concurrently held that the electricity connection was obtained by Bihari Lal Garg who got the electricity connection disconnected, therefore, the said electric meter cannot be transferred in the name of the plaintiff. However, plaintiff was granted the liberty to file an application for new electricity connection which will be granted in accordance with law.

5. Looking to the finding recorded by both the Courts below and considering that liberty is reserved in favour of the plaintiff to file an application for new electricity connection which will be considered in accordance with law, I do not find any merit much less any substantial question of law for determination in this second appeal.

6. The second appeal deserves to be and is accordingly dismissed in limine without notice to the other side. No order as to cost(s).