

**(2011) 06 P&H CK 0033**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Civil Revision No. 3938 of 2011

Ashok Kumar and Another

APPELLANT

Vs

Executive Engineer,  
Transmission system, Haryana  
Vidyut Parsar Nigam Ltd. and  
Others

RESPONDENT

**Date of Decision:** June 23, 2011

**Acts Referred:**

- Civil Procedure Code, 1908 (CPC) - Order 39 Rule 1, Order 39 Rule 2
- Electricity Act, 2003 - Section 164

**Hon'ble Judges:** Hemant Gupta, J

**Bench:** Single Bench

**Judgement**

Hemant Gupta, J.

The Plaintiffs are in revision aggrieved against an order dated 17.05.2011 passed by the learned Additional Civil Judge (Senior Division), Kaithal, whereby the application under Order 39 Rule 1 and 2, restraining the Defendants from illegally erecting the poles/towers of high transmission lines has been dismissed. The appeal against the said order has also been dismissed by the learned District Judge, Kaithal vide order dated 07.06.2011.

2 .It has been found by both the courts below that the Defendants are installing transmission lines in pursuance of the notification issued u/s 164 of the Electricity Act, 2003. After returning such finding, the learned Its Appellate Court has also Civil Revision No. 3938 of 2011 (O&M) observed that if after evidence is led by the parties, the court comes to the conclusion that the Defendants have erected transmission lines against the sanctioned scheme, the Plaintiffs shall be at liberty to get such lines shifted at the cost of the Defendants.

3. In view of the above, the present revision petition is disposed of as such.