

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**SECOND APPEAL NO. 292 OF 2012**

Surdas s/o Namdeo Surwase

**..... APPELLANT**

**V E R S U S**

The Executive Engineer,  
M.S.E.B. Division,  
Divisional Officer, Latur.

**..... RESPONDENT**

.....

Mr. D.L.Suryawanshi, Advocate for Appellant.

.....

**CORAM : T.V.NALAWADE, J.**

**DATE : 13<sup>th</sup> OCTOBER, 2015**

**ORDER :-**

1. Present Appeal is filed to challenge the Judgment and order dated 29/02/2008 in R.C.S. No. 508/2005 which was pending in the court of Civil Judge [Jr.Division], Latur and the Judgment and order dated 19/12/2011 in R.C.A. No. 76/2008 which was pending in the court of the Principal District Judge, Latur. The Suit was filed for compensation by the appellant in the court of the Civil Judge [Jr.Division] against respondent – Maharashtra State Electricity Board [for short, 'Electricity Board' ]. The Suit is dismissed by the trial court.

2. This Court has carefully gone through the

Judgments delivered by the courts below. Consumer No. 610180057369 was standing in the name of father of plaintiff namely Namdev. According to the plaintiff, he had applied for transfer of connection in his name after the death of his father. He has contended that the Electricity Board had demanded the arrears and so he had deposited amount of ₹ 2,300/- on 04/09/2004, but the supply was disconnected and the meter was not transferred. According to him, due to dis-connection of supply, he suffered losses. He had claimed compensation of ₹ 78,000/-.

3. The Electricity Board filed Written Statement and contested the matter. It is contended that the connection given in the name of Namdev was still there and one unauthorized motor was found to be installed on the well and supply to that motor was disconnected by the Electricity Board. The courts below have considered the record showing that for aforesaid consumer number, another bill amounting to ₹ 2,160/- dated 02/02/2007 is given.

4. Thus, positive evidence is given by the defendant to show that the connection given in the name of Namdev is still there and the supply was never disconnected. Such cases are required to be decided on preponderance of probabilities. Both the courts below have come to the conclusion that there was no dis-connection of supply of electricity, though there is arrears of bill. It is finding of facts.

5. There is nothing on record to formulate substantial questions of law. There is no need to issue notice to the other side.

6. In the result, the Appeal is dismissed.

**[T.V.NALAWADE, J.]**

KNP/S.A. 292.2012