

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.3654 of 2015

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.17.07.2015 in I.A.No.54 of 2015 in O.S.No.350 of 2014 on the file of II Additional Junior Civil Judge, Kakinada.

2. The petitioner herein is 1st defendant in the above suit.
3. The 1st respondent herein filed the said suit against petitioner and 2nd respondent alleging that petitioner is the owner of suit schedule property and 2nd respondent is care-taker thereof; that she is in occupation of a portion consisting of two rooms in the suit schedule premises as a tenant and she was inducted into possession by 2nd respondent, but they are attempting to dispossess her forcibly; and to restrain petitioner and 2nd respondent from evicting her without following due process of law.
4. Written statement was filed by petitioner and 2nd respondent stating that the suit schedule premises is owned by petitioner's wife by name Lakshmi and denying that petitioner is the owner of the suit schedule premises. It was alleged that 2nd respondent is not care-taker of the suit schedule premises and there is no landlord and tenant relationship between petitioner and 1st respondent. All the allegations made by 1st respondent in the

plaint were denied.

5. The 1st respondent then filed I.A.No.54 of 2015 to direct petitioner to restore the electricity service connection to the suit schedule property, pending disposal of the suit. He alleged that in spite of rents being offered to petitioner he refused to receive the same and also did not give details of bank account to enable the 1st respondent to deposit rents in the bank account; that 1st respondent was forced to pay the electricity bill for the service connection of the entire house of petitioner since there was a threat of disconnection of the same; and on 24.01.2015, the 1st respondent was informed by the Electricity Department that, on instructions of petitioner, they had disconnected the electricity supply.
6. Counter-affidavit was filed by petitioner denying the said allegations and reiterating that petitioner is not the owner of suit schedule property. He also stated that the Electricity Department would not disconnect any service connection without default or written request by the owner, and that the said service connection is operative and has not been disconnected.
7. By order dt.17.07.2015, the Court below allowed the said I.A., after recording the contentions of both sides. It held that it had already granted an interim injunction in favour of 1st respondent and the 1st respondent has been depositing arrears of rent into the Court to the tune of Rs.20,000/-, and so the 1st respondent cannot be deprived of electricity supply since it is a very essential requirement. It therefore directed petitioner and 2nd respondent to restore the electricity connection to subject

premises.

8. Although the counsel for petitioner sought to contend that the petitioner is not the owner of subject premises, I am of the opinion that the said contention has no relevance because the suit is filed for a temporary injunction by 1st respondent who claims to be a tenant inducted into possession by the 2nd respondent on behalf of petitioner. The specific allegation of 1st respondent was that the electricity connection was disconnected by the Electricity Department on 24.01.2015 at the instance of petitioner. There is no specific denial of the same by petitioner, except stating that there is no disconnection and that the Electricity Department would not disconnect any service without default or written request by the owner.
9. In view of the evasive counter-affidavit filed by petitioner, it has to be presumed that it is petitioner who is responsible for the disconnection of service connection to the premises which is in occupation of 1st respondent.
10. In this view of the matter, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India. Therefore, the Civil Revision Petition is dismissed. No order as to costs.
11. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 09.09.2015

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