

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.1105 of 2016

Order:

The petitioner has come up with the above revision petition challenging the dismissal of his interlocutory application for carrying out certain repairs and for restoration of electricity service connection in respect of a premises of which he is the tenant.

2. Heard the learned counsel for the petitioner.

3. On 04-3-2016, notice was ordered to the respondent. Service is completed. But, the respondent has not chosen to enter appearance.

4. The petitioner is the tenant. Apprehending dispossession, without following due process of law, the petitioner filed a suit in O.S.No.30 of 2013 for a permanent injunction. Pending suit, the petitioner also obtained an interim injunction in I.A.No.190 of 2013.

5. Thereafter, contending that overnight his name-board was removed and the electricity connection was destroyed, the petitioner took out three applications in I.A.Nos.705 to 707 of 2015. The prayer in I.A.No.705 of 2015 was for carrying out repairs to the show-case counter and table-board and for restoration of electricity connection. The prayer in the other applications was under Order XXXIX, Rule 2A, CPC. All these applications were dismissed by the trial Court by a common order dated 17-12-2015. Therefore, the petitioner is before this Court.

6. The trial Court dismissed the applications on the ground that the Rent Controller alone has the power to order restoration of amenities. This is completely a mistaken impression. The Civil Courts' powers are not controlled by anything contained in the Rent Control Act. Once the petitioner has obtained an interim injunction

pending suit, the respondent cannot take a shortcut route, to dispossess the petitioner by disconnecting the electricity service connection.

7. Therefore, the revision is allowed. The order of the trial Court is set aside insofar as I.A.No.705 of 2015 is concerned.

The petitioner is granted permission to restore electricity service connection at his own cost. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

15th July, 2016.
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