

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4743 OF 2017
ALONG WITH
CIVIL APPLICATION NO.1105 OF 2017**

**Smt. Leela @ Leelavati Vatiram Mhatre : Petitioner/Applicant.
Versus
Pramod Pandurang Koli : Respondent.**

**Ms. Nilam S Pawar for the Petitioner/Applicant.
Mr. V K Nair i/by Mr. M G Gawde for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 04th MAY 2017**

P.C.

1 The above Writ Petition takes exception to the order dated 21/10/2016 passed by the Appellate Bench of the Small Causes Court by which order the Revision Application filed by the Petitioner came to be dismissed resultantly the order dated 06/01/2016 rejecting the Application (Exhibit 23) filed by the Petitioner for restoration of the essential supplies viz. electricity supply, water supply and toilet facility in the suit premises came to be rejected.

2 The said rejection is on the ground that the Petitioner has forcibly taken possession of the suit premises when the building in question was not complete. The status of the Petitioner vis-a-vis the suit premises was also in question before the Trial Court. The Petitioner aggrieved by the order dated 06/01/2016 passed by the Trial Court took exception to the same by filing a Revision before the Appellate Bench of the Small Causes Court. The Appellate

Bench of the Small Causes Court reiterated the findings of the Trial Court and dismissed the said Revision by the impugned order dated 21/10/2016.

3 On behalf of the Petitioner a compilation of photographs and the statement of electric meters installed in the building has tendered by the learned counsel for the Petitioner. The said compilation shows the present status of the building which can be seen from the photographs annexed in the compilation at pages 1 and 2. The installation of water meter can be seen from page 3 and tabular statement shows installation of electric meters for the various rooms. Hence the said material prima facie discloses that the water and electricity is being supplied to other rooms in the building in question.

4 In my view, therefore, the interest of justice would be served if the following directions are issued :-

- A] The Respondent would give his NOC for water supply and electricity meter to the Petitioner when called upon to do so forthwith. The same would be without prejudice to the rights and contentions of the Respondent in the suit in question.

- B] The grant of NOC would not create any equities or rights in favour of the Petitioner in so far as her suit for declaration of tenancy is concerned.

- C] For the present the electricity and water supply would be got installed by the Petitioner at her own expenses subject to the result of the suit and the accounting that would be undertaken at the final disposal of the suit in question. The Respondent would allow the Petitioner to get the water supply from the common water supply which is already in place. The Respondent landlord is expected to co-operate for the same.
- D] In so far as the water supply is concerned, the Petitioner would be liable to pay pro-rata basis for the water consumed by her.
- E] Needless to state that the suit in question would be decided on its own merits and in accordance with law.
- F] With the aforesaid directions the above Writ Petition is disposed of.
- G] In view of the disposal of the above Writ Petition, Civil Application No.1105 of 2017 does not survive and the same to accordingly stand disposed of as such

[R.M.SAVANT, J]