

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.(227) No. 1006 of 2015**

Suresh Kumar Tejawani S/o Wariyal Das Tejawani, aged about 48 years,
 Proprietor – M/s Tejawani Rice Mill, Bemetara, R/o Village – Bemetara,
 District Durg (C.G.) **---- Petitioner / Plaintiff**

Versus

1. Madhya Pradesh Electricity Board, through M.P. Electricity Board, Jagdalpur (M.P.) now Chhattisgarh Electricity Board, Raipur (C.G.)
2. The Executive Engineer (Telecommunication and Maintenance) Division, M.P. Electricity Board, Bemetara, Now Chhattisgarh Electricity Board, Raipur (C.G.)
3. Chhattisgarh State Electricity Distribution Company Limited, through its Managing Director, Chhattisgarh State Electricity Distribution Company Limited, Daganiya, Raipur (C.G.)
4. The Executive Engineer (Telecommunication and Maintenance), Chhattisgarh State Electricity Distribution Company Limited, Bemetara, District Bemetara (C.G.) **---- Respondents / Defendants**

For Petitioner	:	Ms. Sharmila Singhai, Advocate.
For Respondents	:	Mr. B. D. Guru, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****11/09/18**

1. By the impugned order dated 26.08.2015 the trial Court has rejected the application filed by the petitioner under Section 152 of the C.P.C. against which this writ petition has been preferred.
2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law and is liable to be set aside.
3. Per contra, learned counsel appearing for the respondents would support the order impugned.
4. I have heard learned counsel for the parties and perused the impugned order.

5. The trial Court while granting the application under Order 39 Rule 1 and 2 of C.P.C. filed by the petitioner directed for deposit of amount by order dated 04.01.2000 every month regarding the electricity charges which has been deposited by the petitioner and the suit was decreed on 30.06.2006 but there was no order with regard to deposited amount.

6. Be that as it may, since there is no order regarding the amount deposited by the petitioner in compliance of the order dated 04.01.2000, the trial Court is directed to consider and decide the petitioner's application afresh after hearing the parties within two months from the date of receipt of copy of this order and to pass order with regard to amount deposited by the petitioner in compliance of the order dated 04.01.2000.

7. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)
Judge