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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1302/2016 and CM 46775/2016

DAYANAT HUSSAIN

..... Petitioner

Through: Mr. Shiv Charan Garg and Mr. Imran
Khan, Advocates

versus

RATI RAM

..... Respondent

Through: Respondent in person

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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15.01.2018

By the impugned order dated 24.10.2016, Additional District Judge issued directions to the petitioner – admittedly the landlord in respect of the demised premises in relation to the respondent – to restore the electricity connection to the suit property and further issued *ad interim* injunction against dis-connection of electricity supply in future during the pendency of the civil suit. The civil suit in which the said order was passed has been brought by the petitioner against the respondent seeking recovery of possession of the demised premises and also of arrears of rent and *mesne* profits / damages. It was one of the contentions of the petitioner before the trial court in the context of application for restoration of essential amenity of electricity that the respondent had not been paying the consumption charges since September 2014. It is clear from a bare perusal of the impugned order that the Additional District Judge has not considered

the said contention and has simply directed the restoration of electricity without putting any conditions including of payment of the previous arrears of electricity charges or even binding the respondent with the obligation to pay for future consumption of electricity. Such an order obviously could not have been granted unconditionally.

Against the above backdrop, the counsel for the petitioner submitted that he may be allowed to withdraw the present petition and instead approach the Additional District Judge with an application for review so that the order can be passed with appropriate reasonable conditions which would bind the conduct of both sides. The petition is thus dismissed as withdrawn with liberty to file review application as prayed granted. The review application, however, must be presented within a week hereof. Needless to add, the application alleging contempt on account of non-compliance with the order shall be considered by the trial court only after the decision is taken on review application in above terms.

Dasti under the signatures of the Court Master.

R.K.GAUBA, J

JANUARY 15, 2018

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