

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**First Appeal No.21 of 2006**

1. Ganesh Ram S/o. Ram Kumar Agrawal, aged about 42 years,
2. Smt. Meera Devi W/o. Ganesh Ram aged about 38 years,
Both R/o. Dabhara Road, Kharsiya, Tahsil Kharsiya Distt. Raigarh

---- Appellants**Versus**

1. Subhash Chandra S/o. Mange Ram Agrawal, aged about 46 years, R/o. Dabhara Road, Kharsiya, Tahsil Kharsiya Distt. Raigarh (CG)
2. Pankaj Kumar, aged about 21 years, S/o. Dhanya Kumar Jain, R/o. Newra, Tah. Tilda Distt. Raipur (CG)
3. District Engineer, Telephone Department, Raigarh Tahsil and Distt. Raigarh (CG)
4. Doorsanchar Vibhag, through SDET Raigarh/Kharsiya, Branch Kharsiya Distt. Raigarh (CG)
5. Chhattisgarh Electricity Board Through Assistant Engineer, Branch Kharsiya, Tahsil Kharsiya District Raigarh (CG)

---- Respondents

For the Appellants : Shri Raj Bahadur Singh,
Advocate

For the respondents : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****24.4.2019.**

1. This appeal is preferred against judgment dated 29.10.2005 passed by Fourth Additional District Judge (FTC), Raigarh (CG) in Civil Suit No.10B/2002 wherein the said Court directed respondent No.5 Electricity Board/Power Distribution Company for providing electric connection to respondent No.1 on payment of requisite fee.

2. From the record it appears that the trial Court has recorded a finding that respondent No.1 is not the tenant of the premise in question. That part of the decree is not challenged and therefore, the same attains finality. When respondent No.1 is not the tenant of the premise in question, he is not entitled for the decree of direction of electric connection in his favour. Order passed in this regard by the trial Court is not sustainable and the same is hereby set aside.

3. Accordingly, the decree is passed in favour of the appellant and against the respondent as under:

- (i) The appeal is allowed.
- (ii) Direction given by the trial Court regarding providing electric connection to respondent No.1 in the said premise is set aside.
- (iii) Other part of the decree shall remain as it is.
- (iv) The parties to bear cost of litigation of their own.
- (v) Pleader's fee, if certified be calculated as per certificate or as per schedule whichever is less.
- (vi) A decree be drawn up accordingly.

Sd/-
(Ram Prasanna Sharma)
JUDGE