

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4185 OF 2016

Santosh Nanaso Patil

... Petitioner

V/s.

Deputy Engineer,
Maharashtra State Electricity
Distribution Co. Ltd. and Ors.

... Respondents

Mr. Sandeep Koregave, for the Petitioner

Mr. R.P. Kadam, for the Respondents

CORAM: K.K. TATED, J.

DATED : JANUARY 11, 2019

P.C. :

1 Heard learned counsel for the parties.

2 Though Respondent Nos. 1, 2 and 4 are duly served, no one appears on behalf of them when the matter was called out.

3 By this Writ Petition under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 19th March, 2016 passed by the learned District Judge, Ichalkaranji, in Misc. Civil Appeal No. 20 of 2014 and order dated 3rd April, 2014 passed by the learned Judge, Senior Division, Ichalkaranji below Exhibit 5 in Regular Civil Suit No. 575 of 2012.

4. The learned counsel for the Petitioner submits that in the present proceeding, the Petitioner filed Regular Civil Suit No. 575 of 2012 before the Civil Judge, Senior Division, Ichalkaranji for direction against Respondent not to disturbed / cut their electric supply connection.

5. The learned counsel for the Petitioner submits that both the Courts below dismissed their application for interim relief. He further submits that till today status-quo order passed by this Court is in force. He further submits that as on today, they are using the electricity connection provided by Respondent Nos. 1 and 2. He submits that the Petitioner is ready and willing to given an undertaking that they will use the said electricity connection only for their own agricultural land and they will not use the same for supplying water to other person's land and will not use it for any commercial activity. To that effect they filed affidavit cum undertaking dated 11th January, 2019. The same is taken on record and marked "X" for identification. The same is accepted.

6. Considering the submissions of the learned counsel for the Petitioner, though the Respondents are duly served and no one appeared on behalf of them and as status quo order is running in favour of the Petitioner till today and he is using the electricity, I am of the opinion that in the interest of justice, hearing of Regular Civil Suit No. 575 of 2012 is required to be decided expeditiously. Hence, pass the following order.

- (a) The status quo order granted by this Court by an order dated 22nd April, 2016 (Shri. R.G. Ketkar, J.) to continue till the hearing and final disposal of Regular Civil Suit No. 575 of 2012.
- (b) Hearing of Regular Civil Suit No. 575 of 2012 is expedited.

7. This Court expect that the trial Court to decide the Regular Civil Suit No. 575 of 2012 as early as possible but in any case on or before 30th September, 2019 on its own merits.

8. Writ Petition shall disposed of accordingly.

9. No order as to the costs.

(K. K. TATED, J.)