

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.10287 of 2018
Date of Decision : 05.02.2019**

Mishra Singh @ Maan

.....Petitioner

Versus

Radha Patel

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Avtar S. Bhatti, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This Revision Petition is directed against the impugned Order dated 16th August, 2018, passed by the Ld. Civil Judge (Junior Division), Ludhiana in CS No.3644 of 2018 of his Court.

2. Vide the impugned order, the application of the respondent/plaintiff, who happens to be a tenant under the petitioner/defendant, for a direction to restore the tenant's Electricity Connection in the demised premises, was allowed subject to imposition of certain conditions.

3. In passing the above order, the Ld. Trial Court was *prima facie* satisfied from the evidence led in support of the respondent's application that she actually appeared to have been using electricity in the demised Shop before it was allegedly disconnected by the

petitioner/landlord. The petitioner is aggrieved that the demised Shop actually is in the nature of a commercial property, and there is no scope for the petitioner to provide any electricity from his existing electrical connection, granted to his residential premises.

4. In answer to the Court's query, it has been submitted by Ld. Counsel for the petitioner that the demised Shop is not a part of the residential building, but is located in front of the same. Thereafter, in answer to the next query, whether any sanction for construction of the commercial properties was obtained by the petitioner/landlord, which is separate and distinct from the approval *qua* his residential building, the petitioner's Counsel submits that to his knowledge no such separate sanction was obtained.

5. The conclusion therefore at this stage can only be that the demised Shop room is essentially a part of the residential building itself, and since the Ld. Trial Court had *prima facie* found that the respondent had been actually running her business therein with electricity utilization, this Court finds no reason to interfere with the impugned order in which a direction has been issued to restore the Electricity Connection subject to the condition that the tenant shall be liable to pay the charges for consumption of the electricity as can be determined on reading of the Sub Meter which was also found to be

existing in the Shop room, and to which there is a specific reference in the third para of the impugned order.

6. Dismissed.

February 05, 2019
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No