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19.11.2020.
b.d/d.p.

**C.O. 1335 of 2020
(Via Video Conference)**

Prem Shankar Ray
-vs-
Sri Sri Dibakar Rai @ Diwakar Rai & Ors.

Mr. Dhiraj Gupta,
Mr. Sukanta Chakraborty,
Mr. Abhishek Singh.
...For the Petitioner.

The petitioner is the defendant in a title suit filed by the plaintiffs/opposite parties in the Alipore Court.

Learned counsel appearing for the petitioner assails an order dated 6th October, 2020 passed in an application filed by the opposite parties under Section 151 of The Code of Civil Procedure by which the opposite parties were granted the prayer for supply of electricity. Learned counsel submits that the order was passed without taking into consideration that the opposite parties/plaintiffs do not have any title to the property in question which was given to the petitioner by way of a deed of gift. Learned counsel submits that the supply of electricity was allowed on the basis of a submission made from the bar and without any documentary evidence.

On perusing the impugned order, this Court finds that the learned Judge has clearly recorded his findings to the effect that before the question of whether the plaintiff is a trespasser or not is decided, the plaintiffs cannot be compelled to stay without electricity and in complete darkness. No findings have been recorded in the order with regard to the title of the opposite parties in question. The prayer of the opposite parties in the

application under Section 151 was also for supply of electricity without any disruption being caused towards the same by the defendant no.1 (one of the petitioner/plaintiff). Hence, it cannot be said that the learned Court below allowed relief which had not been prayed for in the concerned application.

For the above reasons, this Court does not find any ground to interfere with the impugned order or to hold that there are infirmities in the said order. Needless to say, supply of electricity to the opposite parties cannot entail any further rights with regard title in the suit premises.

C.O. 1335 of 2020 is accordingly, rejected for the above reasons.

(Moushumi Bhattacharya, J.)