

04.03.2021
Sl. No. 10
srm

C.O. No. 395 of 2021
Sri Tushar Kanti Sengupta
Vs.
Sri Sukdev Saha

Ms. Sohini Chakraborty,
Mr. Suvadip Bhattacharjee

...for the Petitioner.

Mr. P. Gupta,
Ms. Mary Dutta

...for the Opposite Party.

As the cause of action is separate in this revisional application with that in C.O. No.490 of 2020, let this revisional application be de-tagged.

This revisional application has been filed against an order dated December 16, 2020 passed by the learned Civil Judge (Junior Division) at Bidhannagar, District - North 24-Parganas in Title Suit No.63 of 2019. The petitioner is aggrieved by an order allowing an application under Section 151 of the Code of Civil Procedure, by which the learned Court below directed the defendants to remove the padlocks from the pump room and electricity room for the purpose of easy access of the said facilities by the plaintiff.

Having considered the rival contentions of the parties, this Court is of the opinion that the essential services like

water and electricity cannot be interfered with. Although it is the contention of the landlord that the area in which the pump room and the electricity room are situated, fall within the portion enjoyed by the landlord, yet, the plaintiff/opposite party, who is residing as a tenant, is entitled to water supply and supply of electricity uninterruptedly.

Under the aforesaid circumstances, the order dated December 16, 2020 marked “later” is modified to the extent that every morning from 8.00 a.m. to 9.30 a.m. the meter room and the pump room locks shall be removed by the defendant in order to enable the plaintiff to operate the pump to ensure water supply and also to check the meter as and when necessary. It is also made clear that in case of emergency, the defendant shall not stand in the way and allow the petitioner’s access to the above facilities.

The order impugned is modified and the revisional application is disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)