

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Second Appeal No. 186 of 2011**

Ajay Joshi, S/o. DS Joshi, Proprietor, Priyanka Marble & Granite,
Shop No.7, 8, Prakash Palace, Ring Road No.1, Raipur (CG)

---- Appellant**Versus**

Rajesh Shrivastava, S/o. Ramprakash Shrivastava, Partner, M/s.
Babulal Constructors, R/o. Kamal Kunj, Civil Lines, Raipur (CG)

---Respondent

For Appellant	: Shri Vivek Mishra, Advocate
For Respondent	: None present.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15.02.2021.**

1. Heard on admission and formulation of substantial question of law in this second appeal preferred by the appellant.
2. By the impugned judgment dated 04.5.2011 passed in Misc. Civil Appeal No.14/2010, District Judge, Raipur has set aside the order dated 16.8.2010 passed by Rent Controlling Authority, Raipur in an application filed by the appellant under Section 38 of the Accommodation Control Act, 1961.
3. The appellant was the tenant of the respondent as shop No. 7 & 8 situate at Pachpedi Nakam, Prakash Palace, was let out to the appellant for rent. The respondent disconnected the electricity of the said shop, against which the appellant preferred an application under Section 38 of the Accommodation of Control Act, 1961 before the Rent Controlling Authority, Raipur. The said application was allowed and the said authority directed for reinstallation of electricity connection to the shops of the

appellants. Against which, the respondent/land lord preferred an appeal under Section 31 of the Accommodation Control Act, which has been allowed by the first appellate Court and the order of the Rent Controlling Authority has been set aside.

4. Learned counsel for the appellant submits that the appellant has already vacated the rented accommodation, as such, no cause of action survives in this appeal.

5. In view of the submission of learned counsel for the appellant, instant appeal is dismissed as no cause of action survives to further prosecute the appeal. No cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE