

Item-54 23-06-2022

sg Ct. 8

FMA 1467 of 2008

Debendra Nath Bose
Versus
M/s. General Magnets Ltd.

This appeal was initially listed on 20th June, 2022. None of the parties were represented on that date. The matter was adjourned till today. Today, the parties are not represented nor any accommodation is prayed for on their behalf.

The appeal is arising out of an order dated 25th April, 2001 in connection with an application under order 39 Rule 1 and 2 read with Section 151 of the Code of Civil Procedure and an application under order 39 Rule 7 read with Section 151 of the Code of Civil Procedure. The learned Trial Judge, on the basis of the oral and documentary evidence, had refused to pass any mandatory order directing the plaintiff for restoration of the electric connection to the suit premises. It was found that a sum of Rs.88,000/- was due and owing for the electricity consumed by the defendant. The defendant has failed to produce any document to show that the defendant had paid the electricity charges in terms of the tenancy agreement or to C.E.S.C.

In view thereof, the appeal fails. However, there shall be no order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)