

22.02.2022
Item No.14
Court No.18
AJ.

C.O. 2337 of 2019
(Through Video Conference)

Smt. Dipa Bhowmik & Ors.
-Vs-
Goutam Hazra

Mr. Soumik Ganguly.
... for the petitioners.

Affidavit of service filed on behalf of the petitioners in Court today be kept with the record.

None appears on behalf of the opposite party.

The defendants in a suit for declaration are the petitioners of the present application under Article 227 of the Constitution of India which is directed against Order No. 6 dated June 21, 2019 passed by the 2nd Court of the learned Civil Judge (Junior Division), Purba Burdwan in the said suit being Title Suit No. 133 of 2019.

The opposite party in the said suit is seeking *inter alia*, a decree of declaration of his tenancy right over the suit property.

The defendants are contesting the said suit with a counter-claim for a decree of eviction of the opposite party from the suit property on the ground that the plaintiff is a trespasser in the suit property.

The opposite party in the said suit filed an application under Section 151 of the Code of Civil Procedure praying that he may be permitted to take electricity connection in the suit property from the Electricity Board at his own costs.

The learned Trial Judge by the order impugned has disposed of the said application by permitting the opposite party to draw electricity connection from the meter of the petitioners at his own costs.

The alleged tenancy agreement does not oblige the petitioners to provide electricity to the opposite party, in fact, the opposite party in his said application has not prayed so.

The order impugned suffers from patent material irregularity as such, is set aside.

The learned Trial Judge is requested to reconsider the application of the opposite party for electricity connection in the suit property in accordance with law.

The learned Trial Judge shall make all endeavour to dispose of the said application within a period of two available effective working months of the said Court from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

In view of the nature of the counter-claim, the learned Trial Judge shall also make all endeavour to dispose of the suit and the counter-claim as expeditiously as possible in accordance with law.

C.O. 2337 of 2019 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)