

15.6.2023
ct. 236
sk,sl. 24

C.O. 1254 of 2014

Swapan Kr. Guha @ Swapan Guha –vs- Bidhan Saha

In view of the order dated 13th June, 2023 I take up this application under Article 227 of the Constitution of India for consideration in absence of learned counsel for the parties.

By preferring this application under consideration, the petitioner has challenged the order passed by the learned trial court on 21.3.2014 in Title Suit No. 615 of 2009.

From the pleadings as well as from the order impugned, it appears that the plaintiff/petitioner has filed a suit against the defendant/opposite party for his eviction from the suit premises. According to the plaintiff/petitioner, the occupant is a licensee under him and the defendant/opposite party is claimaning the status of a tenant. In the midst of examination of witnesses the defendant/opposite party filed a petition under Section 115 of the Code of Civil Procedure praying before the learned trial court to restore the supply of electricity which was allegedly disconnected by the plaintiff/petitioner.

In cross of hearing, the learned counsel representing the plaintiff before the learned trial court opposed the prayer on the ground that learned trial court lacks jurisdiction to entertain any application in view of Section 145 of the Electricity Act, 2003.

Learned trial court refuting such contention was pleased to allow the application to restore the electricity to the suit premises.

The impugned order does not manifest exercise of abuse of either process of law or mal-exercise of jurisdiction vested in the court

This application is devoid of merit and is dismissed for default.

The order of stay, if any, stands vacated.

Let a copy of this order be sent down to the learned trial court forthwith.

(Siddhartha Roy Chowdhury, J)