

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO. 3357 OF 2019

IN

APPEAL FROM ORDER NO. 138 OF 2015

Shri. Shamlal Jagdish Sharma

...Appellant

V/s.

Executive Engineer, MSED

Company Ltd. Nashik

...Respondent

Ms. Pratiksha Keni a/w. Mr. S.D. Patil, for the Appellant.

Mr. Kiran Gandhi i/by. Little & Co., for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 September 2023.

P.C. :

1. Interim Application is filed for restoration of the Appeal which is dismissed for default by order dated 18 November 2019. Considering the averments made in the application, the same is allowed. The Appeal is restored to file.

SANDEEP V. MARNE, J.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 138 OF 2015**

Shri. Shamlal Jagdish Sharma ...Appellant
V/s.

Executive Engineer, Maharashtra
State Electricity Distribution
Company Ltd. Nashik ...Respondent

Ms. Pratiksha Keni a/w. Mr. S.D. Patil, for the Appellant.

Mr. Kiran Gandhi i/by. Little & Co., for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 September 2023.

P.C. :

1. By this Appeal, the Appellant has challenged order dated 8 January 2015 passed by the Civil Judge Senior Division, Nashik rejecting application for mandatory temporary injunction for re-connection of electric supply till decision of the suit.

2. While admitting the present Appeal by order dated 16 April 2015, this Court directed the Respondent No.1-Electricity Company to reconnect the electric supply of Appellant-Plaintiff upon

depositing amount of Rs.5,22,035/- representing 50% of the demand. In para-2 of Civil Application No. 1216/2019 the Appellant has made an averment that ‘....and the directed the Appellant to pay and amount of Rs.5,22,035/- and same direction are compiled by the Applicant.”

3. The order passed by this Court directing re-connection of the electric supply has been in operation since 16 April 2015. The learned counsel for the Appellant would submit that the suit filed by the Appellant-Plaintiff is still pending. In that view of the matter, instead of determining the correctness of the impugned order dated 8 January 2015, it would be appropriate to continue the arrangement directed by this Court by its order dated 16 April 2015 till the disposal of the suit.

4. Accordingly, the Appeal is **disposed of** by modifying the order dated 8 January 2015 and by directing that the arrangement directed by this Court by its order dated 16 April 2015 shall continue to operate till the disposal of the suit.

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SANDEEP V. MARNE, J.