

01-10-2024
Item no.13
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
Appellate Side

FMAT No.145 of 2024
Sanat Kumar Adak
-vs-
Sailen Adak & Ors.
with
CAN No.1 of 2024

Mr. Krishnendu Bera
Ms. Debolina Chakraborty ...for the appellant

Ms. Ritoprita Ghosh ...for respondent no.1

Mr. Debanjan Mukherjee ...for CESC

1. The plaintiff in a suit for partition had obtained certain orders under Order XXXIX Rules 1 and 2 CPC. The same was assailed by the defendant in Miscellaneous Appeal No. 17 of 2024 before the first appellate court. The prayer for ad-interim injunction was allowed by an order dated April 2, 2024. The same is under appeal in the present proceedings.
2. The only issue arising for consideration in the present appeal as per submission of the learned counsel for the parties is whether the appellant is required to be made available the electric supply from Meter No.2731327 having consumer ID No.63000464323 in terms of the order passed by the trial court and the first appellate court, since the meter from which the appellant is entitled to supply of electricity lies in the premises falling in the share of the plaintiff (under holding no.116/B).
3. In the course of these proceedings, earlier learned counsel for CESC was requested to appear. It is submitted that all efforts have been taken to shifting the meter to the appellant's premises.
4. Having regard to the safety issues in the process and to

ensure supply of electricity observing the norms for such supply, learned counsel for CESC submits that instead of shifting the meter, a service connection has been given, observing all norms and requirements for the same and after observing the safety requirements.

5. The appellant's electricity connection having been restored, it is submitted by learned counsel for CESC that perhaps nothing remains in the present proceedings.
6. The first respondent represented through learned counsel Ms Ritoprita Ghosh also submits that service connection has been provided to the appellant.
7. Learned counsel for the appellant, on the other hand, submits that he has no instructions in the matter.
8. In view of the stand taken by learned counsel for CESC and the first respondent recorded hereinabove and because the learned counsel for the appellant has no instructions adverse to the submission advanced by learned counsel for CESC and the first respondent and since a new meter has been installed provided by CESC being M.R. No.07/9292/24, we are of the view that nothing survives in the present appeal.
9. The appeal and the connected application are thus disposed of.

[Madhuresh Prasad, J]

[Supratim Bhattacharya, J]

