



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 1576 OF 2024

ANIL BALKRISHNA WANKHEDE AND ANOTHER
VERSUS
RAM WAGHAJI WAGHMARE

...
Advocate for the Petitioners : Mr. Gadhe Ganesh Asaram

...
CORAM : ARUN R. PEDNEKER, J.
DATE : 08th FEBRUARY, 2024

PER COURT:

1. Heard.
2. The learned counsel for the petitioners submit that though the earlier suit was rejected as withdrawn without liberty to file the fresh suit on the same cause of action, however, the present application does not relate to the dismissal of the suit on the ground of earlier suit. The application only relates to the restoration of the electricity connection to the flat occupied by the respondent. In the earlier suit it is specifically observed that the petitioners have shown willingness to reconnect the water and electricity connection only if the respondent pays the bill.
3. In the instant case at Exhibit 17 the trial court has directed to restore the electricity connection to the said flat within 15 days of the order, failing which the respondent is at liberty to obtain the fresh

electricity connection in the said flat at his own costs. It is specifically observed that the respondent is liable to pay the electricity charges as per consumption.

4. Interim relief of electricity connection of the flat occupied by the respondent cannot be rejected, as it is a very essential service. However, the contention of the petitioners that the earlier suit was rejected as withdrawn without liberty to file afresh, he may seek redressal, he may apply for the necessary dismissal of the suit if available in law by following the due process.

5. The writ petition stands accordingly disposed of.

[ARUN R. PEDNEKER, J.]

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