



S.A. No.1284 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

S.A. No.1284 of 2009

and

M.P.No. 1 of 2009

Subramaniyam Padayachi (died)

2. Rani

3. Lakshmi

(Appellants 2 and 3 were bring on record
as LRs of deceased Sole Appellant vide
court order dated 28.04.2021 made in
C.M.P.No. 11093, 11097, 11102 of 2020)

... Appellants

Vs.

1. The Assistant Engineer,
(Operation and Maintenance),
T.N.E.B., West Section,
Villupuram.

2. The Assistant Executive Engineer,
(Operation and Maintenance),
T.N.E.B., Pillaiyarkuppam,
Ulundurpet Taluk.



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3. The Executive Engineer,
(Operation and Maintenance),
T.N.E.B., Salem Main Road,
Ulundurpet.

.. Respondents

PRAYER : Second Appeal filed under Section 100 of Code of Civil Procedure, to set aside the judgment and decree dated 30.06.2009 passed in A.S.No.59 of 2008 on the file of Principal Sub-Court, Villupuram confirming the judgment and decree dated 31.01.2006 passed in O.S.No.312 of 2003 on the file of II Addl. District Munsif Court, Ulundurpet.

For Appellants : Mrs.R.Meenal

For Respondents : Mrs.Hemalatha for E.B.
for R1 to R3

JUDGMENT

The appellant, who is plaintiff filed the suit for the relief of permanent injunction against the respondents/defendants before the trial court in O.S. No. 312 of 2003 on the file of II Addl. District Munsif Court, Ulundurpet and the same was dismissed as he has not proved his claim. Against



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which, he preferred an appeal in A.S.No.59 of 2008 on the file of Principal Sub-Court, Villupuram and the same was also dismissed confirming the findings of the trial court. Now, challenging the concurrent findings of courts below, the plaintiff preferred this Second Appeal.

2. Heard both sides.

3. Since the case is pending from the year of 2003 to get mandatory injunction to get service connection in SC.No.582-012-54/5HP stands in the name of K.Subramaniyan, son of Kesava Pdy., now according to respondents Electricity Board, the said service connection was already disconnected and they are going to give new service connection. But, after the purchase of property, the appellant approached this court by filing the suit in the year of 2003 and all these years, he was not able to get service connection. So, on considering the pendency of proceedings, this Court is inclined to direct the appellant to deposit a sum of Rs.1,26,000/- towards charges for unauthorised usage of connection and a sum of Rs.50,000/- is directed to be deposited to get a new service connection on regular basis. However, he approached the court nearly about 20 years ago, the



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respondents Electricity Board is directed to consider his application and give a new service connection within a period of three months from the date of receipt of amount. Four weeks time is granted to the appellant to pay the amount to the respondents Electricity Board. With the said direction, this Second Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

02.09.2024

Index : Yes / No
Internet : Yes / No
Speaking/Non-speaking order
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To

Principal Sub-Judge, Villupuram.

N.B. : Issue order copy on 03.09.2024



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T.V.THAMILSELVI, J.

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