



C.M.A(MD)No.484 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.484 of 2022

and

C.M.P.(MD)No.4235 of 2022

S.C.Saminathan

... Appellant

Vs.

1.Arulraj

2.R.S.Gopinath

3.Assistant Engineer (O & M),
TANGEDGO, Vellakovil East Division,
Illuppaikinaru -Circle,
Tirupur District.

4.Assistant Executive Engineer (O & M),
TANGEDGO, Vellakovil East Division,
Illuppaikinaru -Circle,
Tirupur District.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under order 43 Rule 1(r) read with Section 104 of CPC against the fair and decretal order dated 25.11.2021 made in I.A.No.1 of 2021 in O.S.No.27 of 2021 on the file of the District Judge, Karur.

For Appellant	: Mr.P.Thiyagarajan
For R1&R2	: Mr.K.Suresh
For R3&R4	: No Appearance



C.M.A(MD)No.484 of 2022

JUDGMENT

This Civil Miscellaneous Appeal is preferred against the order dated 25.11.2021 passed in I.A.No.1 of 2021 in O.S.No.27 of 2021. The appellant is the respondent in I.A. The electricity connection was disconnected by the appellant. Hence the petitioner in I.A. had filed the application for restoring the electricity connection. The Court below allowed the I.A., wherein the Electricity Board was directed to restore the electricity connection. And the Court further directed the petitioner in I.A. shall the necessary charges for restoration and also the current consumption charges.

2. The apprehension by the appellant / defendant is that since it is in the name of the appellant / defendant, the respondents herein may misuse the same. It is seen that the parties are closely related, i.e., the appellant / defendant is the father of the respondents. Therefore, this Court is of the considered opinion that the apprehension is unwarranted. Further the appellant / defendant has not raised any legally sustainable grounds. Therefore, the Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed. The Court below shall dispose of the suit as expeditiously as possible.

13.03.2024



C.M.A(MD)No.484 of 2022

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Tmg

To

1.The District Judge, Karur.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A(MD)No.484 of 2022

S.SRIMATHY, J.

Tmg

C.M.A(MD)No.484 of 2022

13.03.2024