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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 16th July, 2024

+ **CM(M) 2923/2024 & CM APPL. 39326/2024 & CM APPL. 39325/2024**

MOHD ZAMIR ALIAS JAMIR

.....Petitioner

Through: Mr. J.C. Mahindro With Mr. Abhishek Kumar And Ms. Cherry Singh, Advocates.

versus

MOHD ISLAM AND ORS

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court.
2. He had filed a suit against his brother and his other family members seeking mandatory injunction, damages and mesne profits.
3. During the course of proceedings, an application was moved by the defendants praying therein that a separate NDPL electricity meter may be directed to be installed in their name with respect to the portion of the premises in question which was, admittedly, in their possession.
4. Such application was allowed by the learned Trial Court vide order dated 13.05.2024.
5. Plaintiff filed a Review under Order XLVII Rule 1 and such Review Petition has also been dismissed on 01.07.2024.



6. This is how the plaintiff is before this Court.

7. According to Mr. Mahindro, learned counsel for petitioner, the defendants had not set up any kind of Counter-Claim and, therefore, they could not have sought any such relief from the learned Trial Court. If at all, they were aggrieved by the alleged disconnection of the electricity supply, they should have availed other available legal recourses, instead of making a prayer to that effect in the present suit.

8. Learned Trial Court seems to have allowed the application, primarily, on the ground that the possession of the defendants with respect to the portion of the suit premises was not disputed. It was also conscious of the fact that in case such relief was not entertained, it would unnecessary lead to multiplicity of the proceedings.

9. During course of the arguments, Mr. Mahindro, learned counsel for petitioner has, very fairly, apprised this Court that the electricity meter has already been installed. He, however, apprehends a situation where there are arrears with respect to consumption of electricity related to said electricity meter installed in the name of the defendants and the NDPL may make an attempt to recover such arrears from him whereas, fact remains such this meter has been installed by the defendants as per the direction of the Court and therefore, to that extent, the interest of the plaintiff may be safeguarded. He does not press for any further relief.

10. Keeping in mind the overall facts and circumstances of the case and the fact that meter has now already been installed, the present petition is disposed of with clarification that, in case, there are arrears with respect to the aforesaid



meter installed in the name of the defendants, the plaintiff should not be hauled up for any such dues.

11. The petition stands disposed of accordingly.

(MANOJ JAIN)
JUDGE

JULY 16, 2024/sw