

24.02.2025
Ct. No. 30
S.L No.28
SM

CO 4105 of 2024
Smt. Sujata Kamila
Vs.
Smt. Rita Gon

Mr. Sounak Bhattacharya
Mr. Abhirup Halder
.....for the petitioner

The petitioner/plaintiff/tenant approached the Trial Court in a suit praying for protection to be not dispossessed other than by due process of law. A prayer for ad interim injunction was refused by the Trial Court.

In appeal, the appellate Court was pleased to grant an ad interim order of injunction pending in a pending appeal restraining the defendant from dispossessing the plaintiff/petitioner herein from the suit property without due process of law. Subsequent to the said order of injunction, the electric connection to the suit premises has been disconnected.

The petitioner/plaintiff/tenant approached the appellate Court for necessary relief. The appellate Court rejected the said prayer on the ground the said incident occurred subsequent to the passing of the interim order and as such did not entertain the prayer of the petitioner for restoration of the electric connection.

Considering the nature of relief prayed for. Service is dispensed with.

Civil revision is disposed of with the direction that the petitioner shall approach the Trial Court with a fresh application praying for restoration of the electric connection in the suit premises at the earliest.

The Court shall decide the same on urgent basis, considering that electricity is an essential commodity and also the fact that the petitioner is protected by an ad interim order of injunction passed by the appellate Court.

[Shampa Dutt (Paul). J]