



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2129 OF 2026

Parshuram Chhagansingh Sengar, Aged 60 years, Occ:
Retired, R/o Plot no.528, Umrer Road, Chitnavis Nagar,
Nagpur.

PETITIONER

VERSUS

1. Sanjitsingh Ramsingh Sawan, Aged 47 years, Occ:
Business, R/o Kodamendhi, Tahsil Mouda,
District Nagpur.
2. The Executive Engineer, MSEDCL Aaroli Distribution
Center, Aaroli, Nagpur.

RESPONDENTS

Shri S.V. Bhutada, counsel for the petitioner.
Shri S.S. Sitani, counsel for the respondent no.1.
None for the respondent no.2, though served.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : APRIL 16, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. The petitioner's challenge is to an order dated 02.01.2026 passed by the trial Court in Special Civil Suit no.255 of 2023 allowing the application filed by the plaintiff for directions to the respondent no.2- Maharashtra State Electricity Distribution Company Limited (for short, 'the respondent no.2-MSEDCL') to provide three phase electric meter connection to the plaintiff.

3. The petitioner is the defendant no.1 in the suit filed by the respondent no.1 seeking perpetual injunction to restrain the defendants from taking forcible possession of the suit property.

4. In the suit, the petitioner/defendant no.1 had appeared and filed his written statement alongwith counter claim. During pendency of the suit, the plaintiff filed an application at Exhibit 91 seeking directions to the Executive Engineer of the respondent no.2-MSEDCL to provide three phase meter connection to the plaintiff. This application came to be allowed by order dated 02.01.2026, which is subjected to challenge by way of instant petition.

5. The learned counsel for the petitioner submitted that the trial Court has allowed the application by proceeding on a premise that there is no issue about adjudication of ownership in the suit. He submitted that in view of the counter claim filed by the petitioner/defendant no.1, the issue about ownership is very much raised in the suit. He therefore submitted that in the wake of a dispute about ownership of the plaintiff, the application for grant of three phase election connection deserved to be rejected.

6. While opposing the petition, the learned counsel for the respondent no.1 submitted that undisputedly the respondent no.1 i.e. plaintiff is having possession over the suit property based on a registered sale-deed in its favour. He submitted that although by way of counter claim the defendant no.1 has raised a challenge to the sale-deed dated 11.03.2023, the plaintiff is having ownership and possession over the property as on today and is entitled to use it as per his desire. He submitted that the defendant no.1 had no locus to oppose the application for grant of election connection.

7. While considering the rival contentions, it has to be noted that undisputedly the plaintiff/respondent no.1 is having possession over the suit property on the basis of a registered sale-deed in his favour. Even though the petitioner/defendant no.1 has raised a challenge to the sale-deed, the fact remains that as on today the sale-deed is not set aside. The grant of electric connection will only enable the plaintiff to use the property which is already in his possession and in such situation, the defendant no.1 does not have any right to interfere with the plaintiff's use of the suit property. It has to be noted that the rights of the parties regarding ownership over the suit property would be adjudicated in the suit and on the basis of decision in the suit the use of the suit property by any of the parties would be determined. At this stage, there is no reason to restrain the plaintiff from using the suit property which is already in his possession.

8. A perusal of the impugned order shows that the trial Court has considered the fact that the respondent no.1/plaintiff is owner of the suit property and need not be deprived of the basic amenities including the electric connection. It has been observed that merely because some dispute is raised by the defendant no.1, the plaintiff need not be deprived of the electricity connection. The reasons recorded by the trial Court does not show any arbitrariness or perversity warranting interference under Article 227 of the Constitution of India.

9. For all the above reasons, the writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

APTE