(2013) 171 PLR 485

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Revision No. 3782 of 2013

Harbans Singh		APPELLANT
	Vs	
Jaswinder Singh and Others		RESPONDENT

Date of Decision: June 24, 2013

Acts Referred:

- Constitution of India, 1950 - Article 227
- East Punjab Urban Rent Restriction Act, 1949 - Section 10

Citation: (2013) 171 PLR 485

Hon'ble Judges: Satish Kumar Mittal, J

Bench: Single Bench

Advocate: Raj Kumar Kakkar, for the Appellant;

Final Decision: Dismissed

Judgement

Satish Kumar Mittal, J.

The defendant, who is the landlord of the plaintiff, has filed the instant revision petition for setting aside the order dated 24.05.2013 (Annexure P-5) passed by the learned District Judge, Ferozepur, whereby after setting the order of the trial Court, the prayer of the respondent-tenant for interim injunction was allowed and the Electricity Department was directed to restore the electricity connection on payment of all the charges by the plaintiff. In this case, it has been found by the Appellate Court that there is history of litigation between the tenant and the landlord over the demised premises of which the landlord wanted to take forcible and illegal possession. The electricity connection provided by the Electricity Department to the demised premises was disconnected on the ground of non payment of electricity charges amounting to Rs. 4,772/-. The plaintiff, prime facie, had shown to the Appellate Court that the said amount was paid by him on the same day. Keeping in view all these facts and finding a prima facie case and further the balance of convenience in favour of the plaintiff, the Appellate Court after setting aside the order of the trial Court, which had gone on technicalities, has directed the Electricity Department

to restore the electricity connection on payment of all me dues. The interim order has been basically passed against the Electricity Department, which is not in revision. As far as the landlord is concerned, he has no interest in restoration of the electricity supply to the demised premises, the payment of which is to be made by the tenant as the electricity connection installed in the premises is meant for the tenant But in spite of that, the landlord has filed the instant revision petition for setting aside the aforesaid interim order which has been passed against the Electricity Department and not against the landlord. In my opinion, in view of Section 10 of the East Punjab Urban Rent Restriction Act, 1949, the tenant cannot be denied the basic amenity of electricity, and the Appellate Court has rightly directed the Electricity Department to restore the electricity connection on payment of all the charges by the plaintiff-tenant. In these facts, I do not find any ground to interfere in the impugned order passed by the Appellate Court, in exercise of the superintending powers of this Court under Article 227 of the Constitution of India.

Dismissed.