

IN THE COURT OF THE DISTRICT MUNSIF AT AMBATTUR.

**PRESENT: TMT.J.MADHUMITHA, B.A.B.L(HONS.), L.L.M.,
DISTRICT MUNSIF, AMBATTUR.**

Monday, the 09th day of June 2025.

INTERLOCUTORY APPLICATION NO.2 OF 2019

IN

ORIGINAL SUIT NO. 317 OF 2018

CNR No.TNTR22 – 000449 – 2018

S.Sankar

.....Petitioner/Plaintiff

Versus

1. M.Meenatchi

.....1st Respondent/1st Defendant

2. The Chief Engineer/Distribution/Chennai North Region,

Tamilnadu Electricity Board,

3. The Assistant Engineer – O & M

Tamilnadu Electricity Board

.....Proposed Respondents/Defendants

This petition having come on 09.06.2025 before me for final hearing in the presence of Shri.R.Nandakumar and D.Manoranjitham, learned counsels for the Petitioner/Plaintiff, Shri.N.Biswanath, learned counsel for the 1st Respondent/1st Defendant, No counter endorsed for Proposed Respondents/Defendants 2 and 3, upon hearing the arguments made by the learned counsel for the petitioner and the learned counsel for the respondents and perusal of the records, this Petition having stood over for consideration till this day, this Court delivers the following:

ORDER

1. Application is filed under Order 1 Rule 10(2) of CPC to implead the above stated Proposed Parties namely 1. The Chief Engineer / Distribution /Chennai North

Region, Tamilnadu Electricity Board, having office at 5-A, Block, Electricity Avenue, 144, Anna Salai, Chennai – 600 002 and 2. The Assistant Engineer – o & M – Tamilnadu Electricity Board having office at T.I Cycle Road, 33/11, KV Sub Station Office, Ambattur, Chennai – 600 053 as the Defendants in the Main OS.

CONCISE STATEMENT OF THE PETITIONER AS PER THE AFFIDAVIT:

2. The Petitioner has averred that the landlord/Respondent/Defendant without any valid reasons disconnected the Electricity Connection to the rented premises occupied by me after filing the above said OS and for the same filed an Miscellaneous Application while filing the RCOP, which was numbered as M.P. No.10/2019 in RCOP No.9/2019. I submit with gratitude that on perusal of the Affidavit and Petition in M.P. No.10/2019 in RCOP No.9/2019, the Hon'ble District Munsif Court was pleased to allow the said M.P. No.10/2019 and observed that "since electricity being an essential amenity to carry on business in the Petition premises and without electricity service connection petitioner cannot carry on any business activities in the petition premises in the interest of justice and also in order to meet out the ends of justice, this controller is inclined to direct the respondent to restore the electricity service connection within a period of seven days from the date of receipt of a copy of this order".The Petitioner submits that the Respondent is adamant and had failed to comply with the order for the restoration of essential amenities, thereby caused much financial loss of business to the me and the "Wilful Disobedience" to the order.

3. The Petitioner submit that even after due intimation of the said order for restoration of electricity service connection passed by the Hon'ble District Munsif, I am now constrained to file application for Advocate Commissioner to inspect the suit schedule premises to confirm the "Disconnection of the Electricity Connection to the suit schedule property" by the Respondent/Defendant in not complying with the Hon'ble Courts Order even after receiving the due intimation of the order for the restoration of electricity service.

4. The Petitioner submit that when the Petitioner/Plaintiff approached the

Proposed Respondents/Defendants and sought their help for the implementation of the order of the Hon'ble court, the same was declined stating that the order passed by the Hon'ble Court have no specific direction to them and as well as they have not been added as parties to the proceedings and hence it is just and fair to implead the above stated proposed parties as Defendants.

5. Hence to permit us to implead the above stated Proposed Parties, namely 1. The Chief Engineer/Distribution/Chennai North Region, Tamilnadu Electricity board, 2. The Assistant Engineer – O & M – Tamilnadu Electricity Board as the Defendants in the Main OS.

CONCISE STATEMENT OF THE COUNTER FILED BY THE 1st RESPONDENT/DEFENDANT:

6. The 1st Respondent/1st Defendant submits that there is no truth in the statement of the Plaintiff against the Defendants in the Plaint and these allegations are made only for the purpose of the suit. This Defendant states that she is a senior and immobile citizen and she had not indulged in any unlawful or illegal activities and she had no such intention also and she is a law abiding citizen and the false allegations against the Defendants should be seriously viewed and condemned.

7. **POINT FOR DETERMINATION:** Whether this petition to implead has to be allowed or not?

Reasons and findings:

8. This Court heard the submissions of both the learned counsels for the Petitioner and 1st Respondent and perused the materials on record. This Court finds that both the parties have not let in any oral or documentary evidence to substantiate their claims. It is observed that the petition has been filed on 2019, and till date the Petitioner/Plaintiff is residing in the suit property irrespective of other rental Court proceedings pending in Hon'ble Sub Court Ambattur. It is observed that the Petitioner has been in residence for the past 6 years in the same property after filing of the

petition without any hinderance with respect to electricity connection in the past few years after filing this petition. It is observed that the suit is ripe for trial since 25.06.2019, and the pendency of this petition has been an obstacle from proceeding the trial so long. Further there is no documents submitted to prove the disconnection of electricity by the Respondent act except the A diary of this Court . As it is clarified from both sides that there is no electricity connections issues for the Petitioner through the Respondent at present, this Court deems it just in the interest of justice to dismiss this petition, as there is no necessity to implead 1. The Chief Engineer/Distribution/Chennai North Region, Tamilnadu Electricity board, 2. The Assistant Engineer – O & M – Tamilnadu Electricity Board as the Defendants in the Main OS..

RESULT :-

9. In the result, this petition is dismissed, no costs.

Dictated to Steno-typist, typed by her in the Computer directly, printed, corrected and Pronounced by me in open court on this the 09th day of June 2025.

**Sd/-J.MADHUMITHA
DISTRICT MUNSIF,
AMBATTUR.**

PETITIONER SIDE WITNESSES : NIL

PETITIONER SIDE EXHIBITS:

Exhibit P1 15.02.2019 'A' Diary Extract – Certified Copy

RESPONDENTS SIDE WITNESSES AND EXHIBITS: NIL

**Sd/-J.MADHUMITHA
DISTRICT MUNSIF,
AMBATTUR.**
