

Ej. Suit No. 178 of 2013
CNR No. WBPS01-000211-2013

Order No. 69
Dated : 06.12.2023

Today is fixed hearing of petition under Section 151 of CPC filed by the defendant dated 24.03.2021.

Both sides have taken their respective steps.

It is submitted by the Ld. Advocate for the defendant that the defendant is a tenant in the suit premises and he was enjoying electricity connection in the suit room which is a shop room from the electric meter of the plaintiff-landlord, but the plaintiff-landlord has suddenly suspended the electricity connection of the suit shop room with ulterior motive. Hence, the instant application seeking restoration of the electric connection of the suit shop room of the defendant.

The Ld. Advocate for the plaintiff raised objection against the version of the defendant by saying that no electricity connection used to be provided to the defendant from the electric meter of the plaintiff, but the plaintiff-landlord has no objection if the defendant takes electric meter in his own name in the tenanted premises at his own costs.

The Ld. Advocate for the defendant also conceded with the version of the plaintiff's advocate and submitted in open court that he is willing to take electric meter to his own name provided the plaintiff did not obstruct the process of installation meter in the name of the defendant. The Advocate for the plaintiff undertakes to lend cooperation for the above purpose.

In the light of the above, this Court is of the view that the status of the defendant is admittedly of a tenant and unless an order of eviction is being passed against him, he is entitled to get the basic requirement for using the tenanted property without prejudiced to his life and safety. As such, the defendant-tenant is entitled to enjoy electric connection in the tenanted premises and as the landlord has stated in open Court that he has no objection regarding installation of the electric meter in the name of the defendant, this Court finds it appropriate to dispose of the petition U/S 151 CPC filed by the defendant as captioned above with liberty being given to the defendant to apply for getting electric meter in his own name at the tenanted shop room at his own costs.

Hence, it is,

ORDERED

that the application dated 24.03.2021 U/S 151 filed by the defendant is disposed of with the observation made hereinabove.

Fix 19.01.2024 for P.H.

Dictated and corrected by me:

Judge

Smt. Sudipa Banerjee
(J.O. Code: 01148)
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta

