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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 373/2018 & I.A. 10085/2018, 4843/2019, 18864/2022**
AJAY KUMAR SINGHAL & ORS.Plaintiffs

Through: Mr. D. S. Vohra, Advocate.

versus

MANGE RAM GUPTA & ORS.Defendants
Through: Mr. Abhinav Sharma, Advocate for
LRs of D-1.
Mr. Ashok Kumar, Advocate for D-2
to D-4.
Ms. Deepti Dash, Advocate for D-5.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **18.11.2024**

I.A. 37423/2024 (under Section 151 of CPC, 1908)

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 ('CPC') filed by the plaintiffs for restraining the defendants from creating any hindrance in installation of a new electricity connection by BSES in Shop No. 21, Central Road, Bhogal, New Delhi [also known as Shop No. 10]. He states that at present, the plaintiff is drawing electricity from the meter installed in the shop of defendant no. 2 in the same premises. He states that in June 2024, BSES officials cautioned him and directed him to stop drawing electricity as it is contrary to law. He states that there is a legal necessity for applying a new electricity connection for the said shop.
2. Learned counsel for LR's of defendant no.1 states that in view of the



preliminary decree dated 19.12.2022 passed by the Division Bench of this Court in FAO(OS) 137/2022 filed in CS(OS) 373/2018 i.e., the captioned suit, neither party can claim exclusive use of Shop No. 10 and he raises a grievance that the plaintiff has not been participating in the mediation proceedings to the prejudice of the defendants. He states that therefore the grant of relief sought in the present application may be deferred.

3. This Court has considered the submissions of the parties.

4. The plaintiff has been permitted to as an interim measure to occupy and use Shop no. 10 vide order dated 11.11.2022. No person can be permitted to draw electricity illegally and it is, therefore, a legal necessity that the plaintiff should apply for a new BSES electricity meter in his own name at shop no. 10. However, considering the fact that the legal heirs of defendant no.1 are also co-owners of the said shop having an undivided share, it is made clear that the plaintiff will not be entitled to claim any equities on account of installation of the said electricity meter in Shop no. 10.

5. With the aforesaid directions, the application is accordingly allowed.

CS(OS) 373/2018

6. The plaintiff is directed to remain personally present along with his counsel before learned Mediator on 25.11.2024, failing which the plaintiff will be liable to pay a cost of Rs.10,000/- to LR's of defendant no.1.

7. List on 11.02.2025.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 18, 2024/ssc/MG

Click here to check corrigendum, if any

