

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6426 of 2004

with

SPECIAL CIVIL APPLICATION No 6427 of 2004

with

SPECIAL CIVIL APPLICATION No 6429 to 6432 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals?

AHMEDABAD ELECTRICITY COMPANY LTD.

Versus

VYAS VINODBHAI PRAHLADBHAI

Appearance:

1. Special Civil Application No. 6426 of 2004
MR KB PUJARA for Petitioner No. 1
RULE SERVED BY DS for Respondent No. 1
NOTICE NOT RECD BACK for Respondent No. 1
MR JB PARDIWALA for Respondent No. 2
MS NANDINI JOSHI AGP for Respondent No. 3
NOTICE SERVED for Respondent No. 3
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 28/10/2004

ORAL JUDGEMENT

1. The petitioner Company, by way of these petitions, has challenged the action of the City Civil Court, Ahmedabad, whereby it had directed the Officers of the petitioner Company to remain present before the Court with all the relevant documents and directed it to file reply within a stipulated period.

2. In view of the provisions laid down in Section 145 of the Civil Procedure Code, 1908, the City Civil Court, Ahmedabad, had no jurisdiction to issue such a direction. Now assuming, even if, at the relevant point of time, the Court concerned was of the opinion that it had jurisdiction to issue such a direction, then also, to direct the Chief Officer of a company, like the petitioner herein, was definitely uncalled for, unless there was a serious breach of any order of the said Court.

3. The City Civil Court, Ahmedabad, shall keep in mind the aforesaid observation, before giving any such directions in future, particularly, in matters where public utility services are involved. The City Civil Court is directed to grant reasonable time to the petitioner Company to submit its reply. Moreover, if it is a case of non-supply of essential services, then reasonable time should be granted to the Company to enable it to present its case before the Court.

4. With the above observations, the petitions stand disposed of. Rule is discharged. Interim relief granted earlier stands vacated.

(K. S. Jhaveri, J.)
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