

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1117 OF 2006.

IN

SECOND APPEAL NO.1484 OF 2005.

Sunita Parshuram Paradkar	...Applicant
Versus.	
Sitabai Ramchandra Ghadigaonkar	...Respondent
Shri S.M.Railkar for the Applicant.	
Shri Sudhir Prabhu for the Respondent.	

CORAM : ABHAY S.OKA, J.

DATE : 29th February, 2008.

P.C.:

1. Heard advocates appearing for the parties. The advocate for applicant stated that the Electricity Board has not considered the application of the applicant for grant of electricity connection on the ground that consent of the respondent is required. The advocate for respondent states that the respondent has already applied for grant of electricity connection to the authorities so that electric supply can be given to the suit premises subject to the applicant paying requisite charges.

2. As of today it is an admitted position that the applicant is in possession of the suit premises. Even if electricity is made available to the applicant during pending of the Second Appeal, it is obvious that he will not be entitled to claim any equity. If electricity supply is granted to the respondent, the supply can be

made available to the applicant provided the applicant pays the electricity charges as per the bills issued by the authorities.

3. If the respondent is unable to obtain electricity supply, the respondent will have to give consent to the applicant for making an application to Electricity Board for grant of electricity supply.

4. Hence, I pass the following order:

(i) If the respondent is successful in securing electricity supply on the basis of application made by her, electricity supply will be made available to the suit premises subject to condition of the applicant paying the regular electricity charges in respect of electricity supply.

(ii) If the respondent fails to obtain electricity supply within a period of eight weeks from today, the respondent shall give her consent in writing in prescribed form to enable the applicant to apply for grant of electricity supply to the suit premises.

(iii) It is made clear that grant of supply to the

suit premises and/or grant of no objection in writing by the respondent will be naturally without prejudice to rights and contentions of the parties in the pending Second Appeal and the applicant will not be entitled to claim any equity on that basis. It is obvious that the electricity supply which may be made available to the suit premises will be subject to final outcome of the appeal.

(iv) Application is disposed of accordingly.

Judge.