Through Cisco Webex Video Conferencing

23.09.2020

Present : Sh Harpreet Singh Popli, Ld Counsel for the plaintiff.

Sh Shubho Jana, ld Counsel for defendant nos. 3 & 4.

Sh Amitabh Taneja, Defendant no. 4 in person.

Sh Shubho Jana, ld Counsel has filed his vakalatnama on behalf of defendant no. 4 yesterday on court's email ID.

Service reports of defendant no. 1 & 2 are still awaited.

Heard.

Let summons be issued to the defendant nos. 1 & 2 through electronic mode i.e. email and whatsapp.

The counsel for the plaintiff is directed to file an affidavit stating the email and whatsapp of the defendant nos. 1 & 2 and also that the email IDs and whatsapp numbers of the defendants provided by him are correct to his knowledge. **As prayed, let notices of defendant nos. 1 & 2 be also given Dasti to the counsel for the plaintiff to be served physically.**

Put up on 26-09-2020.

(Manish Sharma)

ADJ-01/West

THC/23-09-2020

Civil Suit No. 883/19

PUNEET MARWAH AND ANR Vs. RAVI

Through Cisco Webex Video Conferencing

23.09.2020

Present : Sh Tarun Soni, ld Counsel for the plaintiff.

None for the defendant.

In terms of order dated 4-09-2020 Ld Counsel for the plaintiff has filed original rent receipts and original sale deed is already on record. Ld Counsel for the plaintiff submits that he has filed an application under section 65 (c) of Indian Evidence Act, 1872 r/w section 151 of CPC for leading secondary evidence and for summoning attesting witness no. 2 to prove the rent agreement dated 20-06-2018.

Heard.

Let notice of the application be issued to the defendant through electronic mode i.e. email and whatsapp for 02-11-2020.

The counsel for the plaintiff is directed to file an affidavit stating the email and whatsapp of the defendant and also that the email IDs and whatsapp numbers of the defendant provided by him are correct to his knowledge.

(Manish Sharma)

ADJ-01/West

THC/23-09-2020

Civil Suit No. 259/20

MANJU AGGARWAL Vs. SHASHI JASORIA

Through Cisco Webex Video Conferencing

23.09.2020

Present : Sh Dev Raj, Ld Counsel for the plaintiff.

Email service report of defendant is still awaited. Mobile number of the defendant is stated to be incorrect.

Heard.

Let fresh summons be issued to the defendant through electronic mode i.e. email and whatsapp subject to plaintiff's filing an affidavit that the email IDs and whatsapp numbers of the defendant provided by him are true and correct to his knowledge. Put up on 17-10-2020.

(Manish Sharma)

ADJ-01/West

THC/23-09-2020

Civil Suit No. 372/20

Kulwinder Singh Alagh Vs Tata Power Delhi Distribution Ltd Through Its CEO

Through Cisco Webex Video Conferencing

23.09.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh Rajan Chaudhary, ld Counsel for the plaintiff alongwith plaintiff in person.

Sh Vinod Kumar Rai, Ld Counsel for the defendant.

Arguments on the application under order 39 Rules 1 & 2 r/w section 151 CPC for ad interim injunction heard.

Vide separate order the application of the plaintiff under order 39 Rules 1 & 2 r/w section 151 CPC for ad interim injunction is allowed. Let a copy of the order be given dasti to the parties through electronic mode and physically if they so desire.

Earlier date fixed for this matter on 16.10.2020 stands cancelled.

Put up for filing of written statement on 29-10-2020.

(Manish Sharma)

ADJ-01/West

THC/23-09-2020

hand, Ld Counsel for Plaintiff submits that Plaintiff is without electricity at the aforementioned shop since **20-08-2020** and his electricity connection may be restored, and that Plaintiff is ready and willing to subject himself to just and reasonable condition imposed by this Court.

4. Ld Counsel for the Plaintiff further submits that Plaintiff had filed a suit seeking the relief of permanent injunction and the said suit was decreed by the court of Ld. Civil Judge Delhi vide its order dated 29.05.2014. However, the Plaintiff withdrew the said suit before the Appellate Court, due to lack of pecuniary jurisdiction, on 30-09-2019 with liberty to file a fresh Suit, and, thereafter, he filed the present suit for permanent injunction alongwith the present application. Moreover, the defendants have also not filed any suit/ counter claim for recovery of the amount of electricity bill as yet. The fact whether there was dishonest abstraction of electricity and a bill as raised by defendant is correct or not would require a trial. At this stage the Plaintiff has established a prima facie case in his favour and balance of convenience also lies in his favour. It is also observed that if the order is not passed in favour of the Plaintiff, he is going to suffer irreparable loss and injury.

favor of the Plaintiff and against the defendants may be granted thereby restraining the Defendants, their employees, agents, associates, assignees, successors, representatives etc. from enforcing the inspection report bearing no. ND/ 126300 dated 14/04/2007 and speaking order bearing no. EAC\9300011516; and from disconnecting the electricity supply of the Plaintiff regarding K. No. 33400162628 installed at the shop at Plot no. 55-56, South Patel Nagar, Delhi due to non-payment of impugned electricity bill bearing no. EAC \ 9300011516 during the pendency of the present case. It is further prayed that defendants may be directed to reinstall the electricity connection which has been disconnected without giving any notice to the Plaintiff and without following due process of law.

2. I have heard Ld counsels for parties and perused the case file.

3. Ld Counsel for Defendant submits that he has not filed any written reply to the application. However, the Ld Counsel for the defendant has made his submissions on the application and has relied upon the judgement reported in *W.B.S.E.B. Vs. FAKIR CHAND RICE MILLS & ORS. JT 1996 (2) 569 1996 SCALE (3)67*. On the other

IN THE COURT OF SH. MANISH SHARMA, ADJ-01

WEST DISTRICT,TIS HAZARI COURTS

Civil Suit No. 372/20

SH. KULWINDER SINGH ALAGH ...PLAINTIFF

VERSUS

TATA POWER DELHI
DISTRIBUTION LTD. & ANR. ...DEFENDANTS

Date of Order: 23-09-2020

ORDER

1. Plaintiff has filed the present suit for permanent injunction stating that the Plaintiff is the registered consumer of electricity connection bearing K. No. 33400162628 installed at **shop at Plot No. 55-56, South Patel Nagar, New Delhi.** Plaintiff has also filed an application under order 39 Rules 1 & 2 CPC r/w section 151 CPC for seeking ex-parte ad interim injunction in his favour. In the application the Plaintiff has reiterated the facts as mentioned by him in his Plaint and has prayed that an ad-interim ex-parte injunction in

5. Electricity is an essential amenity for a person living/ working in metropolitan city like Delhi and without electricity Plaintiff would be highly inconvenienced and would be subject to great hardship.

6. Admittedly, the impugned bill pertains to the year 2007 and the facts of the present case are different from the facts mentioned in the judgment filed by the defendant. The present case is at the stage of trial. However, in the judgment filed by the defendant, it was at the appellate stage pending before the Hon'ble Supreme Court of India. Considering the judgment ***"Umesh Chand Sharma Vs. BSES Rajdhani Power Ltd."*** of Hon'ble Delhi High Court, and considering the totality of facts and circumstances of this case, it is directed to the defendants to restore the electricity connection of the shop at Plot No. 55-56, South Patel Nagar, New Delhi within three days from today subject to payment of Rs. One Lac by the Plaintiff to the defendant. The Plaintiff shall make payment of Rs. 50,000/- to the defendant by tomorrow i.e. 24-09-2020 and shall further make the payment of Rs. 50,000/- to the Defendant on or before the next date of hearing. Let him do accordingly and file

the receipts of payment made by him in favour of the defendant on judicial record for perusal of the court on the next date of hearing. Plaintiff is also directed to co-operate with the defendant for the procedural and commercial formalities.

7. With the above captioned directions, the *application under Order 39 rule 1 and 2 CPC stands allowed* subject to procedural and commercial formalities to be fulfilled by the Plaintiff, as per law/ required by the Defendants.

8. Copy of the order be given dasti to both the parties by way of electronic mode or physically if they so desire.

Announced in the Open Court

on 23-09-2020

(Manish Sharma)

Additional District Judge-01

West District, THC, Delhi

Civil Suit No.8634/16

SANJEEV KUMAR JAIN Vs. SHIVANI JAIN

Through Cisco Webex Video Conferencing

23.09.2020

Present : None for the parties.

Record reflects that the matter is at the stage of settlement.

Put up for recording the statement of the parties in respect of the settlement arrived / payment on 29-10-2020.

(Manish Sharma)

ADJ-01/West

THC/23-09-2020

Through Cisco Webex Video Conferencing

23.09.2020

Present : Sh SP Pal, Ld Counsel for the plaintiff.

Heard.

Issue summons to the defendant through electronic mode i.e. email and whatsapp. Put up on 22-10-2020.

The counsel for the plaintiff is directed to file an affidavit stating the email and whatsapp of the defendant and also that the email IDs and whatsapp numbers of the defendant provided by him are correct to his knowledge.

(Manish Sharma)

ADJ-01/West

THC/23-09-2020

Civil Suit No. 10444/16

TEJPAL SINGH Vs. SARAVJEET KAUR SAATHI ANR

Through Cisco Webex Video Conferencing

23.09.2020

Since the matter was adjourned en-bloc due to pandemic covid-19 situation, therefore, the ordersheet during the lockdown period is not on record.

Present : Sh Amrik Singh, ld Counsel for the plaintiff.

Sh Rajesh Kumar, Ld Counsel for the defendant.

Both the counsel submits that the matter is pending before the Mediation Centre, Tis Hazari Courts, Delhi. An adjournment is sought by the Ld Counsel for the parties.

Put up on 18-12-2020 for reporting settlement, if any.

(Manish Sharma)

ADJ-01/West

THC/23-09-2020

EX No. 250/2020
M/s IIPL Finance Limited Vs Ramesh Plastics & Ors

Through Cisco Webex Video Conferencing

23.09.2020

Fresh execution petition received by way of assignment physically. Same has been put up before the undersigned through whatsapp. It be checked and registered.

Present : None.
(Mobile Number of Sh Abhishek Kaushik, Ld Counsel for the Decree Holder: 9868521167)
Nazir to report for 06-11-2020.
Nazir is also directed to intimate the Ld Counsel for the DH telephonically.

(Manish Sharma)
ADJ-01/West
THC/21-09-2020