

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : CODE OF CIVIL PROCEDURE

FAO No. 466 OF 2007

Date of Decision : December 03, 2008

M/s Sukgo Plywood and Anr. .
Through Appellants
Mr. Ashutosh Gupta,
Advocates

Versus

BSES-Rajdhani Power Limited .
Through Respondent.
Mr. Sharath Sampath,
Advocate

SUDERSHAN KUMAR MISRA, J. (Oral)

1. This appeal has been filed by the plaintiffs impugning orderA dated 10th December, 2007 passed by the learned Additional District Judge whereby defendants, who are respondents herein, were restrained from disconnecting the supply of the plaintiffs subject to the condition that the plaintiffs shall deposit 50% of the impugned demand within a period of one month. It was also directed that in case the said amount is not deposited, the defendant/respondent will be at liberty to proceed against the connection in question in accordance with law. At the request of the plaintiffs, the learned Additional District Judge had also permitted the plaintiffs to deposit the said amount in three equal installments. The last installment being payable by 28th February, 2008.

2. Along with the appeal, the plaintiffs had also moved an application under Order 41 Rule 5 read with Section 151 CPC praying for interim directions restraining the defendants from disconnecting the electricity supply to the premises of the appellants/plaintiffs. Notice was issued to the respondents on 31st December, 2007. On 4th February, 2008, it was noted that the first installment as directed to be paid vide the impugned order has already been deposited by the appellants before the instant appeal was filed. As regards the balance installments, this Court directed the appellants to pay an additional amount of Rs. 1,00,000/- within a period of two weeks. It was also directed that subject to this payment by the appellants to the respondent, impugned order giving directions to the appellants to pay the remaining two installments was stayed. The appellants were directed to continue to pay current charges as raised by the respondents. Mr. Gautam Aggarwal who is the sole proprietor of Appellant No. 1 is present in person. He states that the amount of Rs. 1,00,000/- as directed by this Court on 4th February, 2008 stands paid. This fact has also been affirmed by learned counsel for the respondent.

Mr. Gautam Aggarwal, as also Mr. Sharath Sampath, state that the case is now listed before the learned Additional District Judge on 16th December, 2008 for final arguments and in that view of the matter, nothing further remains to be done in this appeal. Learned counsel for the respondent states on instructions that since the matter is likely to be heard finally on 16th December, 2008 or soon thereafter, the appeal itself could be disposed of in terms of the impugned order dated 4th February, 2008.

3. Looking to the circumstances that the suit is pending disposal for final arguments before the Additional District Judge on 16th December, 2008; this appeal is disposed of in terms of the interim order passed on 4th February, 2008, which is made absolute.

4. The appeal as well as the pending applications are disposed of.

Sd./-
SUDERSHAN KUMAR MISRA, J.

December 03, 2008