

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated the 10th day of August 2001.

BEFORE

THE HON'BLE MRS. JUSTICE MANJULA CHELLUR

C.R.P. No.1994/2001

BETWEEN:

N. Nagaraj,
S/o Gantala
Narayanappa,
Aged about 41 years,
Agriculturist,
Jougpet,
Sidlaghatta Town,
Kolar District.

PETITIONER.

(By Sri. G.B. Manjunath, for petitioner.)

AND:

1) Karnataka Electricity
Board, Now K.P.T.C.L.
Represented by Assistant
Engineer Urban Sub-Division,
K.E.B., Sidlaghatta,
Kolar District.

2) Shaikk Dawood Sab,
S/o Mukthamsabi,
Major,
Kadiripalya,
Sidlaghatta Town,
Kolar District.

RESPONDENTS.

(By Sri. C.M. Nagabhushana and
P.V. Chandrasekhar for R.2)
(By Sri. B. Srinivasa Gowda, for
R.1).

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This C.R.P. is filed under Section 115 CPC against the Judgement and order dated 17.2.2001 passed in M.A. 6/2000 on the file of the Civil Judge (Sr.Dn) & JMFC, Chintamani, dismissing the appeal and confirming the Judgment and order dated 12.9.2000 passed on I.A.No.I in O.S.No.37/99 on the file of the Civil Judge, (Jr. Division) & JMFC, Sidlaghatta, dismissing I.A.I filed under Order 39 Rule 1 and 2 read with Section 151 CPC.

This C.R.P. coming on for admission this day, the Court made the following:

ORDER

This revision petition is filed challenging the order in M.A.No.6/2000, which came to be dismissed confirming the order in O.S.No.37/99 on

an application filed under Order 39 Rule 1 and 2 CPC.

2. The revision petitioner-plaintiff ^S ~~020~~ filed the suit for permanent injunction against the 1st respondent not to disconnect the power connection that was given to the I.P. set which is in Sy. No. 121 measuring 4 acres 6 guntas situate at Boodala Village, Sidlaghatta Taluk.

3. The second respondent is the purchaser of the land from the original owner Suryanarayana Shetty. According to the plaintiff his father was a tenant under Suryanarayana Shetty and subsequent to him, he continued to be in possession and enjoyment of the land as a tenant even under subsequent purchaser. He further submits that under Section 77(A) of the Land Reforms Act he has filed form No.7-A for conferment of occupancy rights. According to the 1st respondent the second

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respondent gave application to the second respondent informing he never consented for taking power connection to the I.P. set and the so called concerned letter produced by the revision petitioner was forged one. On enquiry by the 1st respondent, the Tahsildar seems to have given an endorsement saying no permission was granted alleged to have been produced by the revision petitioner before the Karnataka Electricity Board for electricity connection. On this endorsement of the Tahsildar, the 1st respondent issued show cause notice to the revision petitioner-plaintiff, apprehending the disconnection the revision petitioner approached the trial Court. The trial Court issued exparte injunction order, which came to be vacated dismissing the application filed under Order 39 Rule 1 and 2 after perusing all the documents produced by both the parties. Against the said order the present M.A.No.6/2000 was filed. Having gone through the reasoning given for dismissal of I.A.I the learned Judge of

the lower appellate Court felt the trial Court has come to ^Sthe right conclusion based on the documents which are all in dispute. In both the Courts the plaintiff-revision petitioner failed to show a prima facie case in his favour. I do not find any good ground to interfere with the said order. However, having regard to the dispute between the parties with regard to the electricity disconnection to the I.P.Set tenancy rights and also possession of the property in question, it would be just and proper to dispose of the suit as early as possible.

4. Accordingly, the revision petition is dismissed directing the trial Court to dispose of the matter as expeditiously as possible not later than six months period.

Sd/-JUDGE

Csk/-