

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI

Suit No. 537 of 2010

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DATE                      ORDER WITH SIGNATURES OF JUDGE(S)  
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1. For hg of CMA No.8772/16 (U/S 151 CPC)
2. For orders on CMA No.10467/16 (U/S 151 COC)

15.7.2016

Mr. Imran Hussain, Advocate for the Plaintiff.

Mr. Farmanullah, Advocate for Defendant a/w Ch.Ehtisham-ul-Haq Senior Legal Coordinator, IBC, Clifton, Karachi.

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The controversy in the instant case, pending since 2010, revolves around the allegation of electricity theft by the plaintiff made by the defendant No.1. It appears, per claim of the defendant, the electric *meter* installed at the premises of the plaintiff was short circuited by the plaintiff which resulted in forging actual use of electricity by the plaintiff. The assertion of the defendant is that previous average of 950 units per month increased to about 1200 units p.m when the meter was replaced. Counsel for the plaintiff refutes the allegation made by the defendant vehemently and denies any theft of electricity by the plaintiff, who is a retired Government officer of good repute. It appears that the entire controversy is for Rs.78000/- and time and again, rather every month, this amount appears in the monthly bill of the plaintiff and then plaintiff has to rush to the office of the defendant to make correction pursuant to the order of this Court dated 23.4.2010, in terms of which, the plaintiff is only required to pay actual monthly bill and not the disputed amount. Per Counsel of the Plaintiff, when he reached defendant in May 2016, the defendant refused to rectify the bill and demanded the disputed amount to be paid alongwith the usual monthly electricity

usage charges, which is violation of the order, for which contempt applications have been made.

Counsel for the defendants as well as representative of the defendants present in Court asserts that the disputed amount Rs.78,000/- has to be paid by the plaintiff as he misused the electricity. Today, the parties appearing before the Court came to an amicable solution wherein if the defendants reduce the total liabilities of Rs.78,000/- to Rs.48,266/-; the Counsel appearing on behalf of the plaintiff agreeing that this amount to be spread over two years i.e. nearly Rs.2000/- per month; and the defendant making no further allegation of theft of electricity; the plaintiff would be able to pay the monthly bill alongwith added cost of Rs.2,000/- per month. Counsel for the parties agreed to the above terms and given consent that the instant Suit should be disposed of in terms of the present order.

At the end of arguments, Counsel appearing on behalf of the defendants asserted that defendants should be at liberty to disconnect the electricity, if plaintiff refused or fails to pay its monthly electricity dues alongwith installments of the disputed amount. This appears fair and the defendants would be at liberty to disconnect electricity if the plaintiff fails to pay regular bill alongwith the installation of Rs.2000/- p.m as per their procedure and practice.

The learned Counsel for the plaintiff undertook on behalf of the plaintiff that the plaintiff would pay the regular bill according to the Court's direction alongwith the monthly installment of Rs.2000/- per month (until complete satisfaction of the due sum of Rs.48,266).

Order accordingly.

In the circumstances, instant Suit alongwith its all pending applications is disposed of in terms of this order.

JUDGE

Taliob