

Present:-***Justice Urmee Rahman*****Civil Revision No. 3823 of 2012**

Most. Tanzila Begum

... Petitioner

-Versus-

Superintending Engineer (Management &
Reservation Circle), Power Development
Board and others

... Opposite- parties

Mr. Md. Shariful Islam, Advocate for

Mr. Chanchal Kumar Biswas, Advocate

...For the petitioner

Mr. Mohammad Waliul Islam Oli, D.A.G

...For the opposite-parties

Heard and Judgment on 2nd July, 2026

This Civil Revision has been filed under Section 115(4) of the Code of Civil Procedure in which Rule was issued calling upon the opposite parties to show cause as to why the impugned judgment and order dated 01.08.2012 passed by the learned District Judge, Pabna in Civil Revision No. 37 of 2012 affirming the order No. 2 dated 31.05.2012 passed by the learned Senior Assistant Judge, Pabna in Other Class Suit No. 268 of 2012 rejecting the application for restoring the electricity connection of the plaintiff-petitioner should not be set aside on the aforesaid questions of law and/or pass such other or further order or orders as to this Court may seem fit and proper.

Facts relevant for disposal of this Rule, in short, are that the present petitioner, as plaintiff, instituted a title suit for declaration that the arrear electricity bill produced by the defendants is forged, collusive and not binding upon the plaintiff.

During pendency of the suit the plaintiff's electricity connection was disconnected by the defendants i.e. the Power Development Board, Pabna. Thereafter, the plaintiff filed an application before the trial court for restoration of the connection. Learned Assistant Judge by the order No. 2 dated 31.05.2012 rejected the application on the ground that the court has no jurisdiction to pass such order.

Being aggrieved by and dissatisfied with the judgment and order of the trial court, the plaintiff filed Civil Revision before the learned District Judge, Pabna, who by the order dated 01.08.2012 affirmed the order passed by the court below, stating that it is apparent from the application that the electricity connection has been disconnected for non-payment of the arrear bill. Until disposal of the suit the bill cannot be said to be collusive and remain in force in the eye of law. Therefore, the court has no jurisdiction to allow the application directing the restoration of the electricity connection.

Challenging the order passed by the learned District Judge the plaintiff as petitioner filed the instant Civil Revision under Section 115(4) of the Code of Civil Procedure and obtained the present Rule.

At the time of issuance of the Rule it was further ordered that:

“The opposite parties are hereby directed to restore the electricity connection to the petitioner’s house within two days from the date of receipt of this order.”

Thereafter, the Rule was made ready for hearing and it appears from the record that no further action has been taken on behalf of the petitioner ever since to get the Rule heard by this Division.

Learned Advocate Mr. Md. Shariful Islam appearing for Mr. Chanchal Kumar Biswas, Advocate on behalf of the petitioner submits that, as per Section 24(1) of the Electricity Act, 1910 before disconnection written notice to be served upon the plaintiff and since no notice had been served upon the plaintiff, the disconnection is illegal and the plaintiff is entitled to get the electricity connection restored. Both the courts below thus committed an error of an

important question of law, resulting in an erroneous decision occasioning failure of justice.

He finally submits that, both the courts below while rejecting the application for restoring the electricity connection failed to consider that the trial court have the jurisdiction to pass an order for restoration of the connection during pendency of the suit and as such committed an error of an important question of law, resulting in an erroneous decision occasioning failure of justice.

Learned Deputy Attorney General Mr. Mohammad Waliul Islam Oli made submission on behalf of the opposite-parties; however, without filing any vokatnama or any affidavit in opposition. He submits that, both the courts below correctly rejected the application for restoration of the electricity connection filed by the plaintiff inasmuch as the electricity connection was disconnected due to the failure of the plaintiff in making payment of the arrear bills. Hence, no illegality has been committed by the Power Development Board in disconnecting the petitioner's electricity connection.

Heard the learned Advocate for petitioner as well as the Learned Deputy Attorney General for the opposite-parties, have gone

through the revisional application under Section 115(4) of the Code of Civil Procedure and the impugned orders passed by both the courts below.

It appears that during pendency of the title suit the plaintiff filed an application for restoration of the electricity connection, which was rejected by both the courts below giving rise to this Civil Revision. At the time of issuance of the Rule this Division passed an order directing the concerned authority to restore the plaintiff's electricity connection within two days of receipt of this order. Since, complete relief as prayed for by the plaintiff has been given at the time of issuance of the Rule; there is nothing left for disposal.

This is a long pending litigation since the year 2012. Considering the same, I think justice will be better served if the trial court is directed to dispose of the suit on merit.

Accordingly, the Rule is disposed of, however, without any order as to costs.

Learned Senior Assistant Judge, Sadar, Pabna is hereby directed to dispose of the Other Class Suit No. 268 of 2012 pending in

that court within shortest possible time, preferably within 3(three) months, from the date of receipt of this judgment.

Communicate a copy of the judgment to the Court concerned at once.

Helal/ABO