

Present:
Mr. Justice Md. Shohrowardi
Civil Revision No. 1744 of 2004
Sonali Jute Mills Ltd. represented
by its Manager, Administrative,
Sonali Jute Mills Limited,
Thana Khan Jahan Ali,
District Khulna.....Petitioner
-Versus-
Executive Engineer,
Sales and Distribution Division-2,
Power Development Board, B.L. College Road, Doulatpur,
District Khulna and others....Opposite parties
Mr. Md. Khurshid Alam Khan, Advocate
.....For the petitioner
No one appears.
.....For the opposite parties
Heard on 16.07.2026
Judgment delivered on 16.07.2026

On an application filed by the plaintiff-petitioner, Rule was issued calling upon the opposite parties to show cause as to why the order No. 2 dated 19.05.2004 passed by the District Judge, Khulna in Title Appeal No. 111 of 2004 rejecting the application for temporary injunction should not be set aside and/or pass such other or further order or orders as to this Court may seem fit and proper.

The relevant fact for disposal of the Rule is that the petitioner Sonali Jute Mills Ltd., as plaintiff, filed Title Suit No. 18 of 2003 in the Court of Assistant Judge, Fultola, Khulna, praying for a decree of declaration that the plaintiff is not bound to pay the disputed two bills as stated in the schedule of the plaint and restraining the defendants from disconnecting the electric line. After concluding trial, the trial Court dismissed the suit by judgment and decree dated 11.05.2004 against which the plaintiff filed Title Appeal No. 111 of 2004 in the Court of the District Judge, Khulna. During pendency of the said appeal, the appellant filed an application under Order 39 Rule 1, 2 and section 151 of the Code of Civil Procedure, 1908 stating that the appellant-petitioner obtained the electric connection in accordance with law and paid the bill till December, 2006 but the respondent illegally threatened to disconnect the electric connection of the petitioner which was rejected by the appellate Court below against which, the petitioner obtained the Rule.

Learned Advocate Mr. Md. Khurshid Alam Khan appearing on behalf of the plaintiff-appellant-petitioner submits that the plaintiff obtained the electric connection after complying with the rules and procedure of the government and paid the electric bill till 2000, but the respondent, on false and concocted allegations, threatened the plaintiff-petitioner to disconnect its electric line and the

appellate Court below ought to have allowed the application for injunction. He further submits that if the electric line of the petitioner is disconnected, Sonali Jute Mills Ltd. will be shut down and the production and the many employees of the mill will be affected and shall suffer irreparable loss and injury. Therefore, he prayed for an injunction restraining the opposite parties from disconnecting the electric line of the petitioner.

No one appears on behalf of the opposite parties.

I have considered the submission of the learned Advocate Mr. Md. Khurshid Alam Khan who appeared on behalf of the plaintiff-appellant-petitioner, perused the revisional application, the impugned order passed by the appellate Court and the records.

At the very outset, it is noted that in reply to a question put to the learned Advocate Mr. Md. Khurshid Alam Khan, conceded that he is not aware as to whether the appeal filed by the petitioner is still pending before the appellate Court.

On perusal of the application filed by the petitioner before the appellate Court under Order 39 Rule 1, 2 and section 151 of the Code of Civil Procedure, 1908, reveals that the said application was filed on 09.05.2004 stating that the plaintiff Sonali Jute Mills Ltd. paid the electric bill till December, 2000 which clearly proved that at the time of filing the application bills were not paid by the appellant and he was a defaulter. A defaulter cannot pray for injunction restraining the opposite parties from disconnecting the electric line; I am of the view that no illegality was committed by the appellate Court below in passing the impugned order.

I find little substance in the application.

In the result, the Rule is discharged.

The ad-interim order of injunction granted at the time of issuance of the Rule on 01.06.2004 is hereby vacated.

However, there will be no order as to costs.