

**In the Supreme Court of Bangladesh
High Court Division
(Civil Revisional Jurisdiction)**

Present:

Mr. Justice Md. Riaz Uddin Khan

Civil Revision No. 4503 of 2016

IN THE MATTER OF :

An application under section 115(1) of the Code of Civil Procedure.

-And-

In the Matter of:

Shamsul Haque and others

..... Petitioners

Versus

Khandaker Mohammad Ali (Maham) and another

.....Opposite parties

No one appears

.... For the petitioners

Mr. Kamal Hossain, Adv

..... For the Opposite parties

Heard and Judgment on: 09.01.2019.

Md. Riaz Uddin Khan, J-

By this rule the opposite parties were asked to show cause as to why the impugned judgment and order dated 24.09.2016 passed by the learned Joint District Judge, 3rdCourt, Tangail in Miscellaneous Appeal No. 52 of 2014 should not be set aside.

At the time of issuance of rule the parties were directed to maintain status-quo in respect of the possession of the suit land for a period of 03 (three) months.

No one appears on behalf of the petitioners to support the rule.

Opposite party Nos. 1 and 2 filed affidavit of facts. The learned advocate for the opposite parties appearing before this court submits that the instant Revisional application was filed against the judgment

and order passed in Miscellaneous Appeal No. 52 of 2014 against Order No. 14 dated 26.10.2014 passed by the Assistant Judge in Other Class Suit No. 30 of 2014 by which the trial court was pleased to allow an application for temporary injunction restraining the defendants from dispossessing the plaintiff from the suit land. The learned advocate submits that during pendency of this Civil Revision the original suit being Other Class Suit No. 30 of 2014 has already been disposed of in favour of the plaintiff-opposite parties by judgment and decree dated 13.09.2017 (decree signed on 19.09.2017) passed by the Assistant Judge, Bhuiyanpur, Tangail. Against the said judgment and decree the present petitioners filed Other Class Appeal No. 97 of 2017 and the said appeal has been dismissed by the learned Additional District Judge, 1st Court, Tangail by his judgment and decree dated 09.09.2018 (decree signed on 16.09.2018). Stating the above facts the learned Advocate for the opposite parties submits that since the suit itself has been disposed of in favour of the plaintiff-opposite parties, the instant rule being against an interim order has become infructuous.

I have heard the learned Advocate for the opposite parties, perused the Revisional application as well as the affidavit of facts filed on behalf of the opposite party nos. 1 and 2 and the documents annexed there with. It appears from the annexures annexed with the affidavit of facts that the Other Class Suit No. 30 of 2014 has been decreed in favour of the plaintiff-opposite parties by the learned

Senior Assistant Judge by his judgment and decree dated 13.09.2017 (decree signed on 19.09.2017). It further appears that the defendant-petitioners filed Other Class Appeal No. 97 of 2017 against the judgment and decree passed by the trial court in Other Class Suit No. 30 of 2014. It also appears that the said Other Class Appeal No. 97 of 2017 has been disposed of by the Additional District Judge, 1st Court, Tangail by her judgment and decree dated 09.09.2018 (decree signed on 16.09.2018) who dismissed the appeal.

It transpires from the order sheet of this court that at the time of issuance of rule parties were directed to maintain status-quo for a period of 03(three) months but subsequently the said order of status-quo was never extended.

In such facts and circumstances, I find substance in the submission of the learned advocate for the opposite parties. In the result the rule is discharged as being infructuous without any order as to cost.

The interim order passed at the time of issuance of the rule is hereby re-called and vacated.

Communicate the judgment at once.