

IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(CIVIL APPELLATE JURISDICTION)
Present
Mr. Justice Md. Riaz Uddin Khan

First Miscellaneous Appeal No. 275 of 1999
With
Civil Rule No. 791 (FM) of 1999

IN THE MATTER OF:

Chita Sreerampur Matshyajibi Samabaya Samity Ltd
... Plaintiff-Appellant

-Versus-

Sajjadur Rahman (Shajid) and others
... Plaintiff-Respondents

None

...For the parties

Judgment on: 14.05.2026

Md. Riaz Uddin Khan, J:

This First Miscellaneous Appeal is directed against the order dated 18.10.1999 passed by the sub-judge, 3rd court, Sylhet in Title Suit No.13 of 1998 refusing the prayer for temporary injunction.

A Division Bench of this Court admitted this appeal by order dated 02.12.1999 and on the same date by issuing Rule in Civil Rule No.791 (FM) of 1999 restrained the respondents by an order of ad-interim injunction from interfering with the possession of the appellant in the fishery as prayed for.

Though this First Miscellaneous Appeal was admitted by a Division Bench of this Court as per the then rule of the Supreme Court (HCD) Rules, 1973 but at present as per Rule-1B of Chapter-II of the Rules, 1973 this appeal is to be heard by a Single Bench.

Facts for disposal of this First Miscellaneous Appeal in brief are that the appellant filed Title Suit No.13 of 1998 before the Subordinate Judge, 3rd Court, Sylhet for declaration of lease-hold right in schedule-II portion of the suit fishery named Akhaikuri Group fishery of Sylhet District contending *inter alia* that the plaintiff took lease at the yearly rental of Taka 6,53,310.00 as highest tenderer of the scheduled fishery. The lease for 1404 B.S to 1406 B.S was concluded by payment of rent for 1404 B.S, execution of lease deed and delivery of possession. That non-delivery of possession of schedule-II portion of the suit fishery and tress-pass thereinto by defendant-respondents compelled the appellant to file the suit for declaration of lease hold right in the fishery, permanent injunction and other ancillary reliefs.

After filing the suit the appellant filed an application for temporary injunction against the defendants No.1 to 13 whereupon the learned Subordinate Judge issued show cause notice upon the defendants to show cause as to why temporary injunction should not be granted and was further pleased to grant an order of status-quo and ultimately after hearing the parties, perusing the application for temporary injunction and written objection filed by the defendants by the order dated 18.10.1999 rejected the prayer for temporary injunction and consequently vacated the order of status-quo passed earlier.

Being aggrieved by and dissatisfied with the impugned order dated 18.10.1999 this First

Miscellaneous Appeal has been filed before this Court and a Division Bench of this Court by order dated 02.12.1999 was pleased to admit this appeal and passed the interim order by issuing Rule as stated at the very outset.

I have perused the memorandum of appeal and also gone through the impugned order. I have also perused the application for injunction upon which the Civil Rule No.791 (FM) of 1999 is issued.

The appellant stated that the suit fishery has an area of 449.53 acres and included in its area schedule II and III portion of the fishery and he took lease for the years 1404 B.S to 1406 B.S and paid rent for the year 1404 B.S but did not make payment of rent for 1405 and 1406 B.S due to no fault of the appellant but because his offer by an application to pay the rent was not accepted by the Deputy Commissioner, Sylhet.

It appears from record that this Court by order dated 02.12.1999 restrained the respondent from entering into the disputed fishery. In the meantime, more than 26 years has been elapsed. The lease period has long been expired. Since no one appears for the parties for which this Court was not informed about the result of the Title Suit No. 13 of 1998. It is legitimate expectation that the suit would be disposed of within reasonable time.

Be that as it may, in my view, since the lease period expired long before this appeal as well as the civil rule has become infructuous. As such this appeal is **dismissed** as being infructuous. The connected rule

being Civil Rule No.791 (FM) of 1999 is also **discharged** in the light of this judgment. However, there will be no order as to cost. The interim order dated 02.12.1999 passed by this Court **stands vacated**.

Communicate this judgment and order at once.